

52<sup>ND</sup> LEGISLATURE OF LIBERIA  
JOINT LEGISLATIVE MODERNIZATION COMMITTEE



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## HOW OUR LAWS ARE MADE



## UNDERSTANDING THE LEGISLATIVE PROCESS



**LAW**

A general body of rules and regulations officiated by authority. Laws are generally found in constitutions, legislation, and judicial opinions.

**LEGISLATURE**

An officially elected body of people vested with the responsibility and power to make laws for a political unit, such as a state or nation.

**PLENARY**

A plenary is a legislative sitting that takes place within each house of the Legislature. It is also the highest decision making body in the Legislature.

**PUBLIC HEARING**

Session at which citizens or experts present their views on a specific matter to a government body.

**PRESIDENT PRO-TEMPORE**

Temporarily; literally, for the time. The term is used particularly to apply to a temporary presiding officer of the Senate. He or she is elected by members of the Senate to serve as the Chief Administrator of the Senate.

**SECRETARY OF THE SENATE**

The administrative officer of the Senate responsible for the day-to-day operations of the Senate and its departments. Also assists President Pro-Tempore in administering the affairs of the Senate.

**SENATOR**

An individual elected to represent a county and to make decision on behalf of his constituents.

**SPEAKER OF THE HOUSE AND DEPUTY SPEAKER**

The presiding officer of the House of Representatives elected from and by the membership of the House at the beginning of each legislature.

**QUORUM**

A quorum is constituted by the simple majority of the membership of the House or Senate (or 50% + 1 of the membership.) A quorum must be present in order for either house to conduct business.

**VETO**

To veto is to reject or to refuse to sign a bill from the Legislature. This is the “check” that the executive branch has on the powers of the legislative branch of government. A veto can be overridden by a 2/3 vote in each of the Houses of the Legislature.

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We are pleased to present this manual on Liberia's legislative process developed in partnership with the National Democratic Institute (NDI). Members of the 52<sup>nd</sup> Legislature of the Republic of Liberia are committed to improving the quality and effectiveness of the legislative process.

As representatives of the Liberian people, legislators are the eyes and ears of their constituents; they debate and adopt legislation to benefit all Liberians, and exercise oversight over the executive branch of government. In taking the oath of office, legislators commit themselves to uphold and defend the Constitution and laws of the Republic of Liberia and to conduct their responsibilities faithfully.

This manual is intended to provide an overview of the steps a bill goes through on its way to becoming law. Every citizen should be well informed about the legislative process to increase understanding of news reports and discussions around the work of the legislature and to increase the meaningful input of citizens in democratic government.

An open, transparent, and inclusive legislative process is one of the cornerstones of any democracy. In Liberia, the legislative process has been designed to give all sides an opportunity to be heard and share their views. The fact that a bill cannot become law without the passage of both the Senate and the House of Representatives and approval of the President is also a component of the inclusive approach to lawmaking in Liberia.

This manual was designed as part of the modernization process of the Legislature. Our special thanks to the President of the Senate, President Pro-Tempore and members of the Senate; and the Speaker and Members of the House of Representatives for their support and leadership in this process.

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**CHIEF CLERK**  
House of Representatives

occurs when the House of Representatives or the Senate convenes as a Whole, for the purposes of receiving information or acting upon a bill.

**COURT**  
A body in government to which the administration of justice is delegated. An institution of government established to administer the civil and criminal law.

**COMMITTEE REPORT**

The text of a bill or resolution and its required attachments that is prepared when the measure is reported from a committee for further consideration by the members of the chamber.

**DEMOCRACY**

Political system in which the people share in directing the activities of the state, as distinct from governments controlled by a single class, select group, or autocrat. The definition of democracy has been expanded to describe a philosophy that insists on the right and the capacity of a people, acting either directly or through representatives, to control their institutions for their own purposes.

**CONCURRENCE**

Concurrence occurs when one house of the Legislature (Senate or House) approves a bill that was passed in the other house. When the originating chamber votes to accept, or concur with the amendments made by the opposite chamber.

**ENGROSSED**

The stage in a bill's legislative progress when it has been passed by the chamber in which it was filed and all amendments to the bill have been incorporated into the text of the bill, which is then forwarded to the second house for consideration.

**CONFERENCE COMMITTEE**

A conference committee is composed of a number of legislators from each house of the Legislature who meet in to forge one version of similar Senate and House bills. The final conference committee version must be approved by both houses of the Legislature.

**ENROLLED**

The stage in a bill's legislative progress when it has been passed by both chambers of the legislature in identical form and is prepared for signature by the presiding officers of both houses. If a bill is not passed in identical form by both houses, any changes made by the opposite chamber must be accepted by the originating chamber or a conference committee report must be adopted by both chambers before the bill may be enrolled.

**CONSTITUENT**

A citizen residing within the district of an elected legislator.

**CONSTITUTION**

A written instrument embodying the fundamental principles of the Republic that guarantees powers and duties of the government and certain rights of the people.

**CONSTITUTIONAL AMENDMENT**

A change to the Liberian Constitution.

## GLOSSARY

### **ACCOUNTABILITY**

The relationship between government and citizens, acknowledgement and assumption of responsibility for decisions, actions, and policies, in light of agreed expectations, such as an agreement between an elected official and his/her constituents.

### **AMENDMENT**

An amendment is a formal proposal to change the language of a bill, a law, or a constitution. Any proposed alteration to a bill or resolution as it moves through the legislative process. Amendment to a measure may be proposed by members in their assigned committees or by any member of a chamber during that chamber's second reading or third reading consideration.

### **BICAMERAL**

A legislature consisting of two houses, such as the Senate and House of Representatives.

### **BILL**

A bill is a proposed law introduced on the floor of either chamber for consideration by lawmakers.

### **CHAIR**

A legislator appointed to preside over a legislative committee; a traditional designation for a member currently presiding over one of the legislative committees.

### **CHAMBER**

The place in which the Senate or House of Representatives meet. Also, a generic way to refer to either house of the Legislature.

### **CHIEF CLERK**

The chief administrative officer of the House of Representatives. The chief clerk is the custodian of all bills and resolutions in the possession of s/he the House, is responsible for keeping a complete record of bills introduced and all subsequent house actions taken on them throughout the legislative process. Coordinates the operation of the various departments of the House.

### **CITIZEN**

An individual, who is a naturalized or native-born resident of a state, displays allegiance to that state's political and legal authority, and who is therefore entitled to the rights and protections of its laws, including the right to political participation.

### **COMMITTEE**

Committees are composed of a small number of legislators, and are created within each house of the Legislature. A committee allows for close analysis and extended debate about issues; after which findings and recommendations are brought to the full House or Senate.

### **COMMITTEE OF THE WHOLE HOUSE**

A committee of the Whole House

## INTRODUCTION

In Liberia there are three branches of government: the Legislative, Executive, and Judiciary. The Legislative branch is responsible for making laws, exercise oversight and represent the Liberian people.

The Executive branch enforces and carries out laws after they have been passed. The Executive branch is made up of the Presidency, ministries and agencies.

The Judicial branch is composed of courts including the Supreme Court and other subordinate courts. The Judiciary branch of government interprets the law.

Together these three branches of government create a system of "checks and balances" that ensures that no one branch of government is too powerful, as illustrated in page 12.

## THE LIBERIAN LEGISLATURE

The Liberian Legislature meets at the Capitol Building in Monrovia. The Legislature is made up of two chambers: the Senate and the House of Representatives, and presently there are a total of 94 members.

**The Senate:** The Senate currently has 30 members, two Senators from each county, regardless of its size. The Vice President of Liberia serves as the President of the Senate. The Senate also elects a President Pro-Tempore who presides over the Senate in the absence of the President of the Senate and serves as the chief administrator.

**The House of Representatives:** The House of Representatives is currently composed of 64 members. The membership of the House is currently based upon the number of registered voters found in each electoral district in 2005 prior to the election. The Speaker of the House is elected by the members of the House to preside over the chamber. With the 2011 elections, nine members will be added to the House of Representatives. These new members will represent citizens in counties that have seen an increase in population size in recent years.



**The legislature has three main functions:**

**Lawmaking:** The primary function of the legislature is to make laws that address the concerns of the citizens of Liberia. Legislators are responsible for presenting legislations, reviewing legislations introduced by the executive, and offering amendments to existing laws. The lawmaking function of the legislature includes approving the national budget that is proposed by the Executive. In the Liberian Legislature, both chambers must independently approve legislation before they are sent to the President to be signed into law.

**Representation:** Legislators in Liberia are responsible for ensuring that their constituents' needs and concerns are reflected when the government develops legislations and implements policies. Legislators fulfill this duty by informing citizens about legislative activities, providing them with the opportunity to offer input on proposed legislations and existing policies, and responding to the needs and concerns of constituents in their districts or counties. Legislators are responsible for ensuring that there are sufficient opportunities for all citizens to engage in meaningful exchanges with their representatives, and that their views are given adequate consideration.

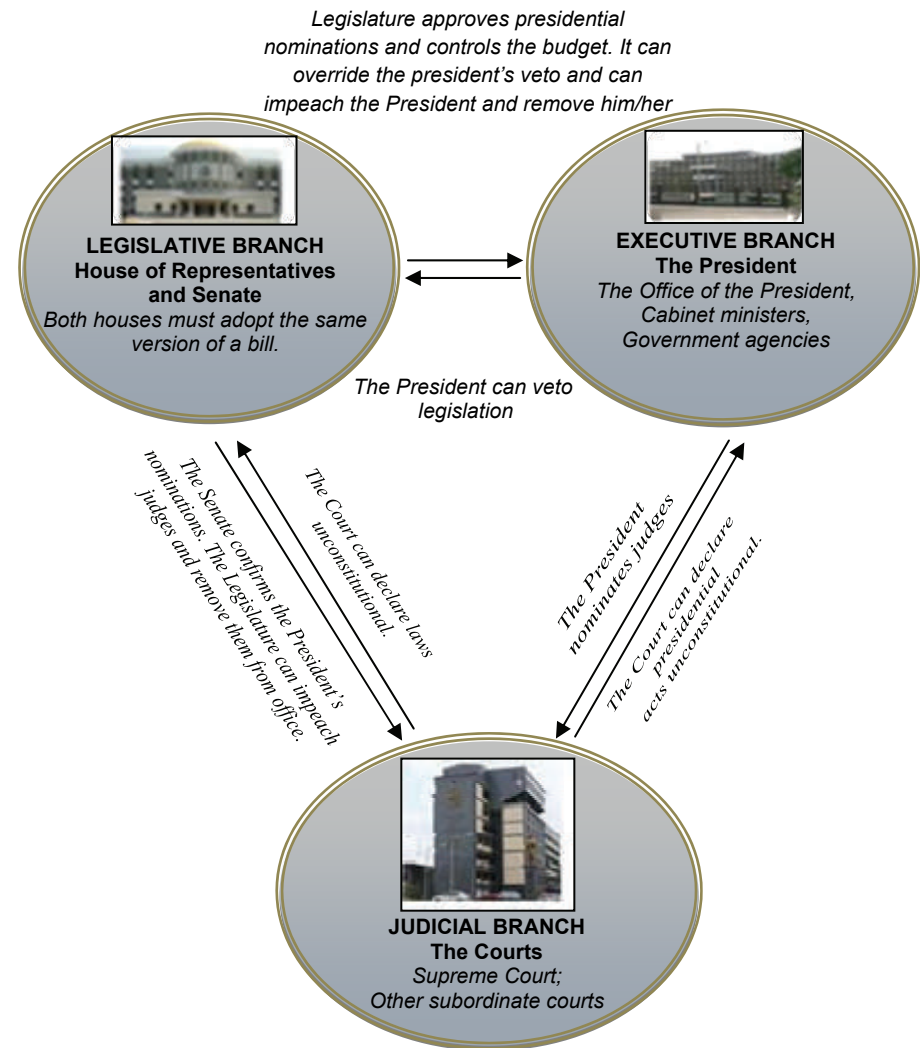
**Oversight:** The Liberian Legislature monitors the activities of Executive Branch institutions to ensure that government programs are implemented efficiently, effectively, and in a manner that reflects the best interest of the citizens. This includes overseeing policy implementation to make sure that government policies are having the intended impact. This also includes holding the government accountable for expenditures to maximize the use of government funding. The legislature has the power to conduct hearings on specific policy areas, which provide an opportunity for legislators to examine the work of the government, and provide citizens with information about government programs. The Senate of Liberia is also responsible for confirming nominees for positions in the Executive and Judicial Branches.

**THE 52ND LEGISLATURE OF LIBERIA**

The Senate is composed of 30 Senators, two from each county irrespective of that county's population and land size. The Senate is presided over by the Vice President as President of the Senate. Notwithstanding, the Senate shall elect one of its members as President Pro-Tempore who shall preside in the absence of the President of the Senate.

Though the membership of the House of Representatives is based on the population in a constituency, the membership of the House is based upon the number of registered voters found in each electoral district. The House is currently composed of 64 members who represent electoral districts across Liberia and is headed by a Speaker who is elected by its members.

**THE THREE BRANCHES OF GOVERNMENT**



## CHECKS & BALANCES

The Legislature represents the people of Liberia and therefore has a duty to ensure that the laws it passes are being implemented properly and effectively to serve its constituents. After a bill becomes a law, the Legislature has the responsibility to ensure that the impact of a law reflects the intent of the legislation. Therefore, the Legislative branch of government has the responsibility to review and monitor government and public agencies. This is called oversight.



The Legislature's oversight role is a check on executive power and authority, that helps keep the government in balance by ensuring transparency and accountability for all stakeholders. Through its oversight tools, the legislature can detect and prevent unlawful conduct by government employees, protect the rights and liberties of citizens, detect waste or fraud in budget allocations, and ensure that policies are being implemented properly. The Legislative branch has a number of tools it can utilize to conduct oversight:

### Committee Hearings

Senate and House committees with relevant jurisdiction can request officials to testify about a particular program or policy, questioning the official to discern additional information. Legislators can also ask citizens and experts outside of government to testify as to how well a program or policy is or is not working.

### Request for Information

Members of the House and Senate can send written requests to government officials for information on a particular program or policy and have that official respond to written questions. Legislators can also ask citizens and experts outside of government for information relevant to the functioning of a particular program or policy.

### The Public Record

Legislative proceedings should be recorded for the public record. Any documents, maps, reports, or other items that may be submitted should be retained and made accessible for the public. When possible, audio recordings of hearings should be kept on file.

## HOW A BILL BECOMES A LAW

Making and enacting laws is one of the Legislature's most important responsibilities. According to the Constitution, in order to become law, bills must be passed by a majority vote in both Chambers and signed by the President.

### THE IDEA FOR A BILL

A bill begins as an idea that someone would like to see become a law. A bill can be introduced by members of the legislature or by the Executive to address issues that are not adequately covered by existing laws, but the ideas for bills can come from individual citizens, communities, civil society organizations or government institutions. It could be anything from strengthening anti-corruption measures to establishing electoral guidelines.

### INTRODUCTION TO A BILL & FIRST READING

Once the idea is turned into a bill by writing it down in legal language, it is ready to be introduced to the Legislature for consideration. While most bills can originate in either Chamber, bills regarding revenue always begin in the House of Representatives.

A bill is given to the Chief Clerk of the House or the Secretary of the Senate and is assigned a number. If the bill is sponsored by a Senator, it is a Senate Bill. Proposals which start in the House are House Bills. The bill is given a First Reading in the "Chamber of Origin" (in the House if sponsored by a Representative; in the Senate, if sponsored by a Senator).

For the first reading, the bill is read aloud to ensure that all legislators are aware of its content and overall purpose.

### PARTS OF A BILL

**Number:** Each bill introduced is assigned a unique number to ensure that it can be properly tracked through the legislative process.

**Title:** The heading of the bill that states the particular issue or area it addresses. The title clearly states the subject matter of the bill.

**Preamble:** Introductory language describing the reasons for and intent of a bill, sometimes called a "whereas clause."

**Clauses:** A special and separate provision in a bill or law, such as an enacting clause or resolving clause.

**Amendments:** A formal proposal to alter the text of a bill or resolution. An amendment may strike out (eliminate) part of a text or insert new text. Amendments are voted on in the same manner as a bill or other motions.

## THE BILL GOES TO COMMITTEE

Committee action is crucial to the legislative process. Committees are responsible for examining a bill carefully, taking testimony for or against the bill, and deciding whether to send the bill to the "floor" (the full House or Senate) for consideration by the whole body.

Legislation is assigned to the particular committees tasked to deal with issues it addresses. In some cases members may decide if it is necessary to establish a special committee to handle a unique or particularly important piece of legislation or to join several committees together if the subject matter pertains to more than one committee.



While the bill is in committee room, the committee members will seek expert input, hold "mark-up" sessions to make any changes or updates they think are important. When the committee is satisfied with the content of the bill, it is sent back to the Plenary for debate. It

is also possible for a bill to die in committee room if the legislation is deemed unnecessary.

Committees usually develop reports that are presented to the Plenary of either chamber. Such reports shall include information about all steps and actions taken regarding the bill. Committees' reports shall include information about the committees' overall recommendations, as well as information on any financial implications of implementing such legislation.

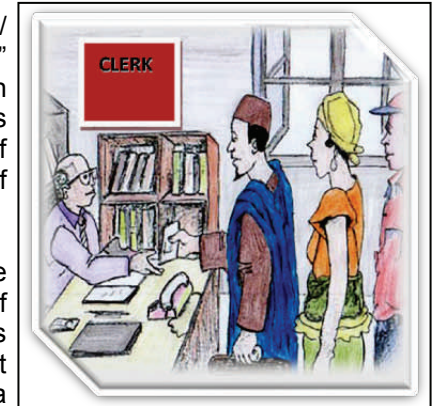
A bill is sometimes referred to a "committee of the whole house." This means that rather than going to a specialized committee, the whole House of Representatives or the Senate will discuss the bill together and make any proposed amendments together.

### WHAT ARE LEGISLATIVE COMMITTEES?

Both the Senate and the House have established committees through which the Legislature performs several function simultaneously. Senators and Representatives serving on committees are able to study and debate issues in detail and then report their findings or recommendations to the Plenary of the Senate or the House. Committees have been established to focus on topics such as finance, human rights and foreign affairs.

The members serving on each committee are appointed by the President Pro-Tempore in the Senate and the Speaker in the House with the consent of both leaderships respectively. Committee membership is usually constituted across political parties, professional background, political subdivision and gender.

**Pass:** If the President approves the bill s/he signs it and, usually, writes "approved" and the date, although the Constitution only requires her/his signature. This action is done in the presence of members of the Executive Committees of both chambers.



**Veto:** If the President does not approve the bill, s/he must return it to its House of origin stating reasons for her/his objections within 20 days. The President can veto an entire bill or any item within a bill. If the President receives the bill and does not sign or return it to the Legislature with objections within 20 days it becomes law, unless the Legislature by adjournment prevents its return. If the President vetoes a bill, the Legislature may override this action with a vote of 2/3 of the membership in each chamber to approve the legislation.

## PUBLICATION OF THE LEGISLATION

Once a bill has either been signed by the President or vetoed but passed by a 2/3 majority of each chamber, the bill will be published into handbill by the

### TIPS FOR ANALYZING LEGISLATION

Have a good understanding of the issues to be addressed by a bill. It is helpful to start by determining the problem the bill seeks to resolve and then identify any existing legislation or regulations on similar issue(s). When reviewing a bill for the first time, keep in mind:

- What is the purpose of the bill?
- How and why was the bill developed, and who was involved?
- Are there current laws related to the issue(s) the bill seeks to address? If so, how will the passage of new legislation affect the current situation?
- When does the bill go into effect, and how long does it stay in effect?
- How will the bill be implemented?
- What are the arguments "for" and "against" the bill, and who makes them?
- Are there alternative recommendations or suggestions for improving the issue at hand? If yes, how can legislators work to amend the bill?
- What is the funding mechanism for implementation of the bill? Does funding for implementation of the bill divert resources away from other more important governmental responsibilities?



## ENGROSSING & CONCURRENCE

If the Chamber of Origin votes to pass the bill, the bill will then be engrossed—meaning the text of the legislation is finalized, including all amendments approved by the first chamber—and sent on to the second chamber of the legislature for concurrence.

## THE BILL GOES TO THE SECOND CHAMBER

If the bill passes in the Chamber of origin it is sent to the second chamber, giving a first reading, and sent to the appropriate committee. After it is reviewed by the committee, the bill is read in the second chamber. If the second chamber concurs with the bill without revisions, it is returned to the Chamber of Origin to be enrolled and sent to the President for signature. If the second chamber does not concur, the bill shall receive no further consideration.

If the second chamber amends the bill, it returns to the first chamber for consideration of the amendments. If the first chamber agrees with the amendments, the bill is sent to the President for executive approval. If the first chamber rejects the amendments, the bill is sent to a conference committee made up of members from both chambers.

## PRESIDENTIAL ACTION

Once the leaders of both chambers have signed-off, the Clerk of the House or Secretary of the Senate delivers the enrolled bill to a clerk at the President's Office and obtains a receipt.

When the President receives the bill, s/he has three options:

## A DIFFERENT PROCESS

Normally, a bill must be read a total of three times on separate legislative days. However, depending on the nature of the bill, the rules can be suspended by a vote of 2/3 of the sitting members for the first reading to constitute the second reading. Under further suspension of the rules members may vote to for the second reading to constitute the third reading and the bill order engrossed.

## CONFERENCE COMMITTEE

If members of the House and Senate pass the exact same bill, it is sent to the President for signature. If the versions of the bill are in any way different (perhaps because it was amended) then a conference committee is appointed to try to come up with a compromise that members of both the House and the Senate would agree upon.

If the conference committee comes up with a compromise, the bill is sent back to the House and the Senate for a final vote. If the bill passes with a majority of the vote in both chambers, it is sent to the President for approval.

## SECOND READING & DEBATE

Once a bill is sent back to the plenary, with or without amendments, it will be read for a second time.

Normally, bills must be given consideration by the entire membership of the Plenary, with adequate opportunity for the members to debate and propose amendments. The rules of debate are decided at the beginning of each new legislative session. It is the purpose of the legislative body to reach their best joint judgment on questions presented to them for decision. The decision is that of the group and not of an individual member. To reach the joint judgment of the body, the exchange of thoughts and reasons of the members are essential. Every member has the right to present his or her thoughts and opinions, to argue and attempt to convince the other members of the group. Debate is one of the fundamental characteristics of a legislative body.

After the debate, the members may decide to send the bill back to the committee to make further amendments.

## THIRD READING & VOTING

When the legislators are satisfied that there has been sufficient debate, they call for a vote on the bill. The amended bill is read for a third time in the Plenary and members are called on to vote in favor of or against it.

If the bill is controversial, they can call for a roll call vote, meaning that each member is called by name to vote yes or no. If the bill is not controversial, legislators will choose a voice vote, where members vote yes or no simultaneously.

## AMENDING THE CONSTITUTION

Bills to amend the 1986 Constitution go through the same process as other legislation, but have different requirements for passage. Amendments to the Constitution must be approved by 2/3 of the membership of both the Senate and the House. Citizens can submit a petition for a constitutional amendment to the Legislature as long as the petition has at least 10,000 signatures.

The Legislature must then approve it by a 2/3 vote and the President must sign it. Then, no less than one year after the amendment has passed, the National Elections Commission holds a referendum to allow citizens to vote for or against the proposed amendment. Two-thirds of Liberia's registered voters must approve the amendment in order to change the Constitution.

# HOW A BILL BECOMES A LAW

## FIRST CHAMBER

Bill is introduced in either the House of Representatives or House of Senate and given a first reading.

The bill is assigned to a committee. The members will debate the issues and possibly make changes. The committee will submit a report to the full body.

The bill is given a second reading by the plenary. The members may decide to send the bill back to the committee or make amendments.

When the legislators are satisfied that there has been sufficient debate, the bill as amended is given a third reading in the plenary and members are called on to vote in favor of or against it.

If members pass the bill, it is sent on to the second chamber of the legislature for consideration.

## SECOND CHAMBER

The bill is received from the first chamber. It is introduced in the second chamber and given a first reading.

The bill is assigned to a committee. The members will debate the issues and possibly make changes. The committee will submit a report to the plenary.

The bill is given a second reading by the plenary. The members may decide to send the bill back to the committee or make amendments.

When the legislators are satisfied that there has been sufficient debate, the bill as amended is given a third reading in the plenary and members are called on to vote in favor of or against it.

If the second chamber concurred with the first...

If the second chamber made changes to the bill...