

# NAVIGATING THE LEGISLATIVE PROCESS

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Utah State Tax Commission

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# PRESENTATION OUTLINE

- **A**CT Early
- **C**ommunicate Effectively
- **T**rack Continuously



# ACT EARLY - KEY DATES 2019-2020

<b>Deadline</b>	<b>Action</b>
5/14/2019	First day a legislator can open a bill file for the 2020 General Session
12/1/2019	Last day for a governmental entity to request a bill without floor approval
1/27/2020	2020 General Session Begins
2/6/2020	Last day for legislators to request a bill or have a bill approved for numbering without floor approval
3/11/2020	Last day to pass a bill with a fiscal note of \$10k or more
3/12/2020	2020 General Session ends
4/1/2020	Last day governor may sign or veto bills
5/11/2020	Default effective date for bills
5/11/2020	First day a legislator can open a bill file for the 2021 General Session

# ACT EARLY

Understand the issue you are trying to solve

## Questions to consider:

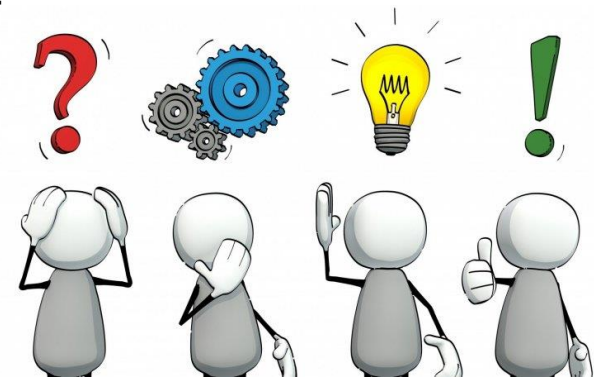
- If my idea becomes law, how will it affect other interested parties?
- Do I only see a small part of a bigger picture?
- Are there winners and losers?
- Does my idea have a realistic chance of passage?
- What concerns might others have?



# ACT EARLY

## Seek out other interested Parties

- Collaborate with interested parties
- Remember other parties may have divergent interests and priorities
- Even if others have a different perspective on an issue, it is always valuable to understand the issues and concerns that might be raised.
- Attempt to answer the following questions BEFORE they arise:
  - Where will controversy arise in the legislative process?
  - Which parties are affected most?
  - Who are the winners and losers?
  - How can concerns be mitigated?



# ACT EARLY

## Determine your path to the Legislature

### Some ideas:

- Senator/Representative for your district
- Legislator with expertise in the subject area
- Legislator who sits on the committee to which your bill is likely to be assigned.
- Committee chairs if you are interested in having the committee study the idea or endorse the bill.



# ACT EARLY

Start the Ball Rolling!



- Utah allows legislators open a bill file 60 days after the close of the General Session (5/14/19)
- Benefits of Pre-filing:
  - Legislative staff has more time to draft legislation
  - More time to study issues and find workable solutions
  - Increased likelihood of becoming a committee or priority bill

# ACT EARLY

If you wait it may be too late!



- Interim committees begin meeting in May
- Decisions on interim committee study topics may be made very early (even before May)

Be aware of deadlines!

- Even a great idea can succumb to a missed deadline.
- **REMEMBER: You should not wait until the deadline to act!**



# COMMUNICATE EFFECTIVELY

What information should I have prepared when I approach a legislator?

- An explanation of the issue and your proposed solution
  - Don't assume the legislator has prior knowledge of the issue
- Credible information
  - If you have collaborated with other interested parties, provide information on the outcome of that collaboration.
- Research
  - Who is affected most? Who are the winners and losers?
  - Be direct and honest.
- Statistical data if available
  - What is the impact of a statutory change?
- Realistic solutions
  - What solution can all interested parties live with?



# **COMMUNICATE EFFECTIVELY**

**Do I need to prepare language for a Bill?**

- **Generally, NO, if you:**
  - **Understand the issues and are prepared to discuss them with the legislator; and**
  - **Begin the process early**
- **If the legislator likes your idea, the legislator will direct staff attorneys with expertise in the subject area to prepare language for a bill.**

# **COMMUNICATE EFFECTIVELY**

What should I expect during the drafting process?

- Bill request is assigned to an OLRGC attorney for drafting
  - Generally on a first in, first out basis - (exceptions: committee bills and priority bills.)
- Protected Bills
  - Remember to ask the legislator to list you as a contact on the bill request form; otherwise staff will not be able to discuss the bill with you.

# COMMUNICATE EFFECTIVELY

What should I expect during the drafting process?

- It may take several months for a bill to be drafted, even if you provide wording.
- The drafting attorney may contact you for information or to meet with the legislator and/or other interested parties.
- If language in a bill is unclear, don't assume you can "work it out" in how the language is interpreted. This can result in litigation.
- You may be asked to testify in committee



# COMMUNICATE EFFECTIVELY

How can I help during the drafting process?

- Provide the drafting attorney with the same information you provided the legislator.
- Provide the drafting attorney with contacts for other interested parties, if any.
- Proffer to meet with legislative staff to discuss the issues.
- Ask to review drafts of the bill and provide feedback.
- Be an available resource.
- Respond in a timely manner.

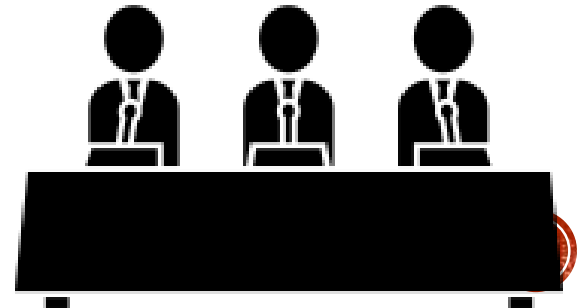


# COMMUNICATE EFFECTIVELY

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## What is a legislative Committee?

- Committees are made up of legislators who hear all issues related to a certain subject matter.
- During Committee discussion, legislators may:
  - Hear from supporters and opponents of a bill
  - Consider amendments to the bill
  - Ask questions and gain a greater understanding of the issues
  - Vote whether to support a bill as a committee
  - Explore possible solutions



# COMMUNICATE EFFECTIVELY

Each Committee performs different functions

## Types of Legislative Committees

- Interim Committees
- Rules Committees
- Standing Committees
- Appropriations Committees
- Conference Committees

# COMMUNICATE EFFECTIVELY

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## Should I bring my issue to a Committee?

A committee recommendation does not guarantee that the bill will pass but advantages could include:

- Development of issues
- Additional staff resources available
- Prioritization of bills for drafting
- Low numbered bill
- Recommendation is persuasive in standing committees and on the floor
- Possibility of the bill being placed on the consent calendar
  
- **Note:** A Committee hearing could result an expansion/narrowing of the issue or an undesired result

Contact committee chairs if you are interested in having an idea/bill presented to the interim committee.



# COMMUNICATE EFFECTIVELY

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## How do I Testify to a Committee?

- Know your audience
  - Remember there are both experts and lay people in the room
  - Remember that the Legislature makes the policy
- Know the issue
  - You should expect questions
- Be familiar with the committee process
  - What committee action are you seeking?
- Prepare testimony/presentation in advance
  - Will my testimony hurt or help the process?
  - Present solutions; avoid hostility/emotional response
- Keep your presentation brief
  - Prepare for a reduction in presentation time, Be flexible
  - Don't read a prepared statement – use notes as a guide
  - Watch the non-verbal cues of the committee members



# TRACK CONTINUOUSLY

What should I expect during the Legislative Session?

- Attend all committee meetings in House and Senate when the bill is heard.
  - Be prepared to speak and answer questions if called upon.
- Proffer speaking points to your legislator.
  - Speaking points should be brief and to the point and highlight only the most important aspects of the proposal.
    - Legislative staff generally does not prepare speaking points.
- Track amendments and substitutes to the bill.
  - Remember that the process moves quickly at the end!

# TRACK CONTINUOUSLY

## What if a Problem Arises?

- Be prepared to compromise
- Decide what matters most
- Seek to understand the perspectives of other interested parties
- Be open minded about alternative solutions
- Remember that legislators are required to balance competing interests
- Carefully review any amendments/substitutes



# TRACK CONTINUOUSLY

What can I do if a legislator is pursuing a bill that causes concern?

- Collaborate with other interested parties
- Express concerns to the legislator
- Focus on the facts and the policy
- Avoid hostile or emotional response
- Remember that the bill may pass anyway so consider ways to work with, rather than against, the legislator to mitigate concerns.



# **TRACK CONTINUOUSLY**

## **How can I foster relationships with legislators?**

- **Attend County Legislature Day during the legislative session**
- **Attend legislative interim meetings and make an effort to meet and greet legislators before and after meetings**
- **Invite legislators to speak at luncheons or conferences, avoiding the session and legislative interim week**
  - **(All of December- March and generally 3<sup>rd</sup> week of each month May- November)**

# TRACK CONTINUOUSLY

Legislature's Website

[le.utah.gov](http://le.utah.gov)



# TRACK CONTINUOUSLY

What does [le.utah.gov](http://le.utah.gov) offer?

- Bill Tracking through the legislative process
- Bill information, text, amendments, and substitutes
- Live and recorded audio of committee and floor hearings
- Calendar of committee meetings or other business
- Information about the legislative process
- Access to Utah Code and legislative publications
- Information on specific legislators



**QUESTIONS?**

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