

# What Were They Thinking?!

## Key Elements Driving the Legislative Process

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## The Questions

- ▶ Why did they do this?
- ▶ How did this thing pass or fail?
- ▶ What were they thinking?!

## State Legislatures Vary

- ▶ 41 (ND) – 424 (NH) in size
- ▶ Professional, full-time to part-time citizen
- ▶ Length of sessions (two months to year-round)
- ▶ 268 measures introduced to 6,600

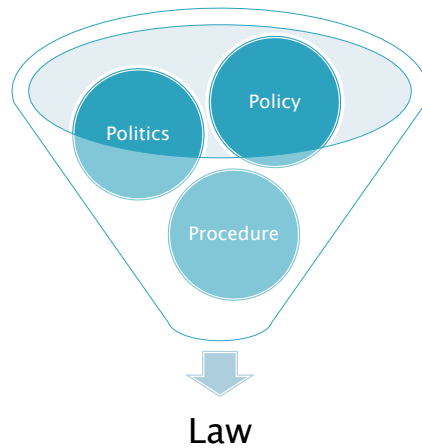
Source: National Conference of State Legislatures

## Forget What You Learned in Civics

A bill is introduced because:

- ▶ Legislators learn something – model legislation from organization, news story, conferences
- ▶ Receive a constituent complaint
- ▶ They get an idea

## But This Doesn't



## Influencing Factors

- ▶ Voters
- ▶ Existing laws and court decisions
- ▶ Power of the Governor (especially first year)
- ▶ Political party and candidate positioning

## Influencing Factors (continued)

- ▶ *Media*
- ▶ *Think tanks/ALEC*
- ▶ *Campaign contributions/gifts*
- ▶ *Lobbyists/organizations*
- ▶ *Personal relationships/feuds*
- ▶ *Scandal*
- ▶ *Proactive government officials*
- ▶ *Time and deadlines*
- ▶ *Reliance on staff*
- ▶ *Term limits*

## Idea Meets Reality

- ▶ Does it have leadership support?
- ▶ Does it have bipartisan appeal?
- ▶ Who will passage of the bill help?
- ▶ Who will passage hurt?
- ▶ How will it play back home?
- ▶ How is the media portraying it?

## Example: Class Size

- ▶ Target fiscal resources to neediest
- ▶ Set based on research
- ▶ Allow class size to be set as needed locally
- ▶ Ability to differentiate instruction
- ▶ Shifts money
- ▶ Election year
  - Teachers
  - Parents
- ▶ Perception

Policy

Politics

## Game Plan

- ▶ Do they really want to pass it or just make a statement?
- ▶ Which legislators should you focus on to help it, stop it, or change it?
- ▶ Do leaders of the other chamber support it?
- ▶ Will it affect different parts of the state differently?
- ▶ What other groups support it or oppose it?

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## Procedures

»» The best laid plans...

## Rules of Engagement

- ▶ Constitution
- ▶ Rules of each chamber
- ▶ Parliamentary procedure
- ▶ Governor

## Constitution

- ▶ Origin of budget and revenue bills
- ▶ Ad valorem exemptions require a 2/3 vote
- ▶ Constitutional amendments require a 2/3 vote

## Power of Committee Structure

- ▶ Committee assignment
  - Legislators and bills
- ▶ House subcommittees
- ▶ Parliamentary maneuvers
  - Hold
  - Table
  - Reconsider
  - Recommit
- ▶ Holding bills hostage
- ▶ Rules Committee

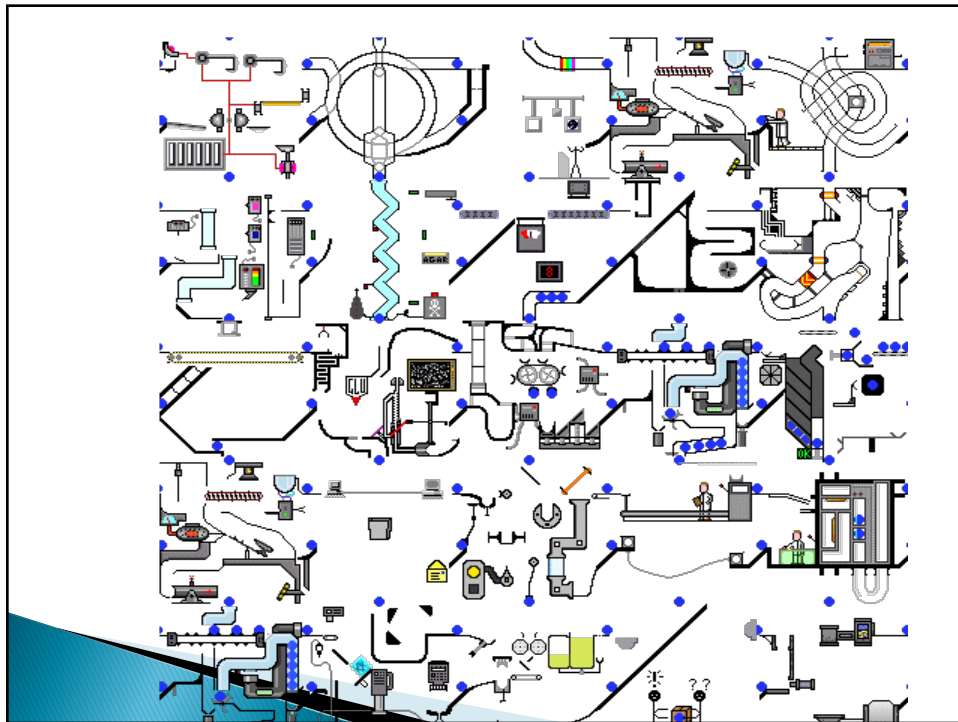
## Legislative Rules

- ▶ Crossover day
  - Hijacking bills
- ▶ Attaching bills
  - conference committee reports
  - Senate rule on length of amendment



# Legislative Rules

- ▶ Fiscal notes
- ▶ Calendar
- ▶ Governor
  - Veto
  - Order of signing



## Seen these before?

- ▶ Jason Flatt Act (suicide awareness training)
- ▶ EpiPens everywhere
- ▶ Student Scholarship organizations
- ▶ 3<sup>rd</sup> grade reading gateway
- ▶ Special needs voucher
- ▶ CPR training
- ▶ School start date
- ▶ Sunscreen
- ▶ *Charter schools*

## Remember

- ▶ A good idea is not enough to get a bill through
- ▶ It takes all 3 P's
- ▶ Forget logic
- ▶ Think of legislation in the context of the whole
  - Personalities
  - Alliances
  - Motivations
  - Public opinion

## How to Track/Influence Legislation

- ▶ *Paid advocates to lobby and/or monitor*
- ▶ *Public websites*
- ▶ *Contacts including: friendly legislators/legislative staffers/bureaucrats/allied organizations*
- ▶ *Membership activation (real grassroots vs. “astroturf” or advertising)*
- ▶ *No guarantees, but these actions can help you keep better informed and possibly mitigate the worst the system can produce.*

## Questions or Comments?

- ▶ *What’s on your mind?*