



WSBA SECTIONS: SESSION PRIMER

An overview of the legislative process and preparation for the 2018 session

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AGENDA

- Sections + Outreach & Legislative Affairs
- Rules & Policies
- Partnerships
- Washington's Legislature
- Legislative Action
- How to Track Bills
- 2018 Session Issues



SECTIONS + OUTREACH & LEGISLATIVE AFFAIRS

Role

- Craft Bar-request bills
- Receive, respond, and track bills
- Provide expertise when requested/needed
 - In coordination with Outreach & Legislative Affairs staff
- Provide input/comment on relevant bills of importance
 - In coordination with Outreach & Legislative Affairs Manager, BOG Legislative Committee, guidelines

WSBA OUTREACH & LEGISLATIVE AFFAIRS

Legislative goals

- **WSBA Mission:** “serve the public and members of the Bar, ensure the integrity of the legal profession, and to champion justice.”
- **Advocate**
 - Bar-sponsored legislation
 - Bar-supported legislation
 - Other issues outlined in the 2018 Legislative Priorities
- **Respond** to all legislative-related inquiries accurately and timely to advance the overall goals of WSBA.

WSBA OUTREACH & LEGISLATIVE AFFAIRS

Staff

- Outreach & Legislative Affairs Manager
- Outreach & Legislative Affairs Coordinator
- Contract Lobbyist (session only)

Office locations

- Seattle (year-round)
- Olympia (session only)

WSBA OUTREACH & LEGISLATIVE AFFAIRS

Internal partners & how they engage

- **WSBA Sections**, committees, councils, boards: track bills, take positions, comment publicly (if necessary)
- **WSBA Legislative Review Committee**: vet Bar-request bills
- **Board of Governors (BOG)**: approve WSBA session priorities, support/sponsor request legislation, address relevant policies, weigh-in on WSBA-wide legislative issues
- **BOG Legislative Committee**: weekly legislative strategy, approve WSBA entity legislative activities, engage Sections during weekly legislative meetings

WSBA OUTREACH & LEGISLATIVE AFFAIRS

External partners & how they engage

- **Legislators:** bills/issues, hearings, support
- **Legislative staff (committee, caucus):** information, support
- **Governor (and staff):** bills/issues, support, information
- **Stakeholders, advocates:** bills/issues, hearings, meetings, support, information, other

WSBA OUTREACH & LEGISLATIVE AFFAIRS

Bar-request bill process

- **WSBA Sections:** create proposal(s)
- **WSBA Legislative Review Committee:** vet proposal(s), recommend to BOG
- **BOG:** approve proposal(s) for support and/or sponsorship
- **Outreach & Legislative Affairs Manager:** assist internal partners, garner legislative/stakeholder support, advocate/shepherd through process
- **BOG Legislative Committee:** monitor progress throughout session; engage if/when necessary

WSBA OUTREACH & LEGISLATIVE AFFAIRS

Non-Bar request bill process

- **Outreach & Legislative Affairs staff:** daily review, refer bills to appropriate WSBA entities
- **WSBA entities:** provide feedback to Outreach & Legislative Affairs staff, take position if necessary
- **Outreach & Legislative Affairs Manager:** recommend next steps (testimony, etc.); communicate with legislators, staff, stakeholders
- **BOG Legislative Committee:** review/discuss emergent issues; authorize legislative action of WSBA entities

RULES & POLICIES

General Rule 12

- Pursuant to GR 12.1(b)(17), the WSBA is authorized to “maintain a legislative presence to inform members of new and proposed laws and to inform public officials about bar positions and concerns.”
- Pursuant to GR 12.1(c), the WSBA only takes positions on legislation that “relate to or affect the practice of law or the administration of justice.”
- Excludes political and/or social issues

RULES & POLICIES

Legislation & Court Rule Comment Policy

- Authorizing entities include BOG Legislative Committee and/or Outreach & Legislative Affairs Manager
- WSBA entities must follow counsel, recommendations of Outreach & Legislative Affairs Manager
- Encourages WSBA entities to speak with one voice; maintain consistency
- *BOG Legislative Committee may enforce*

RULES & POLICIES

Public Disclosure Commission

- Lobbyist = anyone attempting to influence state legislative action
- WSBA entities are *not authorized* to engage in lobbying activities.
- People register as lobbyists only if:
 - Activities are beyond public committee hearings; and
 - Compensation is received
- www.pdc.wa.gov

PARTNERSHIPS

BOG Legislative Committee

- Expects to meet weekly during session
- WSBA-wide lens regarding emergent legislative issues
- Authorizes legislative activity of WSBA entities
- Takes positions on behalf of the Bar regarding relevant legislative proposals

WASHINGTON'S LEGISLATURE

Structure

- Part-time
- 49 legislative districts
 - 98 House members (D's)
 - 49 Senate members (D's)
- Biennial cycle
 - 105 days – long session
 - 60 days – short session
 - Special session(s)

WASHINGTON'S LEGISLATURE

Session

- Thousands of bills introduced each year
 - Long session: ~2,500
 - Short session: ~1,500
 - Only one in five pass
- Fast pace, funneling effect (cutoff calendar)
- Mandated cutoff dates dictate work flow, legislative strategy, requests for legislative activity.

WASHINGTON'S LEGISLATURE

How bills become laws

- Introduced by a legislator
- Public hearing, must pass before cutoff date
- Rules Committee, House or Senate floor action
- Repeat process in opposite chamber
- Chambers must concur in amendments
- After final passage, delivered to Governor for signature/veto
- Implementation, potential issues to remedy for next year

WASHINGTON'S LEGISLATURE

Key points

- Bills introduced for multiple reasons
- Variety of legislative touchpoints, ways to engage/make impact
- Varying levels of understanding; depend on subject matter experts for information
- Political capital is precious
- Everything touches everything

LEGISLATIVE ACTION: BILL REFERRAL PROCESS

Outreach and Legislative Affairs staff

- Reviews daily during session
- Refers relevant bills to Section(s) via email
- Makes recommendations about next steps (e.g. testimony, etc.)
- Communicates with legislators/staff/stakeholders
- Tracks all bills of importance throughout session

LEGISLATIVE ACTION: BILL REFERRAL PROCESS

Sections

- Review referred bill(s), GR 12 analysis
- Take a position, if deemed necessary (75%+ vote)
- Offer alternative bill language
- Be available for questions, appropriate next steps (e.g. testimony, written correspondence, etc.)

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

Before taking a position, a Section must:

- Determine the bill meets GR 12; and
- Discuss, vote via Section executive committee (75%+)

Possible positions:

- Support
- Concerns
- Opposed (use sparingly)
- Neutral
- No position

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

Support

- Further action: possible
- Outreach & Legislative Affairs Manager communicates with legislators/staff
- After approval, testify/sign-in pro depending on significance

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

Concerns

- Further action: yes
- Detail concerns, offer alternative language/fix
- Outreach & Legislative Affairs Manager communicates with legislators/staff
- After approval, testify or send correspondence to appropriate legislator(s)

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

Opposed (**use sparingly**)

- Further action: yes
- **Only use** when alternative language fixes are not possible
- Outreach & Legislative Affairs Manager communicates with legislators/staff
- After approval, testify or send correspondence to appropriate legislator(s)

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

Neutral

- Further action: possibly
- Occurs when a 75%+ vote of a Section executive committee is not reached or is not desired.
- Continue to track bill(s) throughout session.

LEGISLATIVE ACTION: TAKING POSITIONS ON BILLS

No position

- Further action: no
- Occurs when a 75%+ vote of a Section executive committee is not reached or the Section feels the bill is irrelevant to their practice area.
- Will not continue to track bill(s) throughout session, no action taken

LEGISLATIVE ACTION: COMMUNICATION

WSBA Outreach & Legislative Affairs

- Daily bill emails/referrals (beginning-middle of session)
- Weekly bill referrals list (posted online)
- Social media, blog updates (posted online)
- Support throughout session

Sections

- Track bills of importance
- Keep Outreach & Legislative Affairs staff apprised of all legislative activity
- Ask questions before determining action (e.g. GR 12 analysis, testimony, other legislative communication, etc.)

LEGISLATIVE ACTION: TESTIMONY

Helpful tips

- Come prepared
- Be flexible, agendas change
- Be brief, stick to the facts and approved position
- “I don’t know” is okay
- “Madame/Mister Chair, for the record my name is...”
- Prepare with the Outreach & Legislative Affairs Manager ahead of time

ROUNDTABLE

2018 issues

- WSBA-request bill: Virtual shareholders' meetings (CARC)
- Non-WSBA request bills of interest: guardianships, public records, military pro bono, tax court, LFO reform, bail reform, use of deadly force
- Other issues: court funding, civil legal aid funding, responding to McCleary/basic education, Hirst Decision/water rights
- Election impacts/results

QUESTIONS?

Resources

- **WSBA Outreach & Legislative Affairs:**
wsba.org/About-WSBA/Legislative-Affairs
- **WA State Legislature:** leg.wa.gov
 - Bill tracking
 - Committee information
 - Legislator biographies, etc.
- **TVW:** tvw.org
 - Committee hearings
 - Floor action

BILL TRACKING