

WSBA SECTIONS: SESSION PRIMER



An overview of the legislative process and preparation for the 2022 session

Sanjay Walvekar, WSBA Legislative Affairs Manager

Camden Fobert, WSBA Legislative Affairs Coordinator

Julie Shankland, WSBA General Counsel

December 17, 2021

AGENDA

- Sections + Legislative Affairs
- Rules & Policies
- Legislative Action overview



SECTIONS + WSBA LEGISLATIVE AFFAIRS

Role

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

WSBA 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 2022 Legislative Priorities
- **Respond** to all legislative-related inquiries accurately and in a timely fashion to advance the overall goals of WSBA.

WSBA LEGISLATIVE AFFAIRS

Staff

- Legislative Affairs Manager
- Legislative Affairs Coordinator

Office locations

- Seattle (year-round)
- Olympia (session only)
- Remote for 2022 session

LEGISLATIVE COMMENT PROCESS

[Link](#)

RULES & POLICIES

Sections Legislative Comment Policy (1504) [[link](#)]

- Sections shall seek authorization from the Legislative Affairs Manager or the BOG Legislative Committee **prior to** publicly communicating with anyone.
- WSBA entities must follow direction of WSBA and entities are responsible for advising WSBA on an ongoing basis regarding decisions, comments, and actions.
- Encourages WSBA entities to speak with one voice; maintain consistency
- *Executive Director, Bar President, BOG, or BOG Legislative Committee may enforce*

RULES & POLICIES

2020 Updates in Policy 1504 [[link](#)]

- Makes explicit that Sections need to get approval from the Leg. Affairs Manager if they intend to take a position on legislation or testify before the Legislature. Sections must give 24 hours notice of intent to testify
 - Decision is made erring on the side of approving the request
- Sections may provide technical drafting comments without conducting a GR 12 analysis, but must copy the Leg. Affairs Manager on any such comments

RULES & POLICIES

General Rule 12

- Pursuant to GR 12.2(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 the organization’s positions and concerns.”
- Pursuant to GR 12.2(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

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

LEGISLATIVE ACTION: BILL REFERRAL PROCESS

Legislative Affairs staff

- Reviews bills 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 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.)

*Session vs. non-session distinction

PLEASE CHOOSE 1 OF THESE 3 OPTIONS WHEN RESPONDING:

- **Option 1:** *We do not find this bill to be of interest or relevance to our Section*
- **Option 2:** *We would like this bill tracked but have no position at this time. Your section will receive a report on the bill at the end of the legislative session if you select this option. If you would like more information about a bill during session (for example: public hearing notifications) please indicate this in your response.*
- **Option 3:** *We have followed the WSBA legislative bill process and are taking a position of _____ on Bill #_____.*

Please 'Reply All' when responding.

SECTION(S): Elder Law

BILL #: [HB 1422](#)

SHORT TITLE: Concerning the protection of vulnerable adults. By request: Department of Social and Health Services

DEADLINE: **Wednesday, February 26**

NOTES: *This bill was monitored by Elder Law last session.*

YOUR OPTION:

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 or Opposed as Drafted (use sparingly)
- No position

POSITIONS ON LEGISLATION

[Link.](#)

LEGISLATIVE ACTION: COMMUNICATION

WSBA Legislative Affairs

- Daily bill emails/referrals (beginning-middle of session)
- Support throughout session

Sections

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

QUESTIONS?

Resources

- **WSBA 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