

Public Policy 401: Legislative Bill Analysis

Core Competency # 15

Society for Community Research & Action
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Public Policy 401: Legislative Bill Analysis

Core Competency # 15

In Fall 2012, SCRA issued and endorsed some eighteen Core Competencies as described in *The Community Psychologist* 45(4).

The topic of this Workshop is # 15:

Public Policy Analysis, Development & Advocacy

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15: Public Policy Analysis, Development & Advocacy defined as:

“The ability to build and sustain effective communication and working relationships with policy makers, elected officials, and community leaders.

and further described,

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“The ability to build and sustain effective communication and working relationships with policy makers, elected officials, and community leaders.”

Write policy briefs, present testimony, draft policies, and consult with policy makers, including elected officials, at federal, state/province, and local levels.

Translate research findings into useful information and recommendations for policy.

Build coalitions to advocate for policy change.

TCP 45(4) p. 12

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The Workshop Objective is to promote exposure to public policy issues and proficiency in developing skills to enable participants to:

- a) analyze legislation, successfully passed
- b) understand stakeholder impacts
- c) conceptualize new legislative proposals
- d) assess political viability and ways to improve
- e) request legislators' support via 1 page bill summary
- f) obtain on-line guidance post-SCRA 13 on legislative proposals and intervention that advance CC# 15.

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How Workshop Objectives are advanced or fulfilled:

Legislative Attachment (LA)

- | | | |
|----------------------------------|---|--------|
| a) analyze legislation | a,b & c via small group | |
| b) stakeholder impacts | process and discussions of | LA 1-4 |
| c) conceptualize proposals | and nine stage intervention model | |
| d) assess political viability | nine stage intervention model and | LA - 5 |
| e) engage legislators w/ Summary | example of request to U.S. Senator | LA - 6 |
| f) obtain guidance post-SCRA 13 | offer of CC # 15 guidance between
Conferences via e-mail with workshop presenter | |

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“The ability to build and sustain effective communication and working relationships with policy makers, elected officials, and community leaders.

Why focus on Legislation?

Policy makers and elected officials implement public policy through legislation

Legislation is a language they understand

Citizens have the right to meet with legislators to make their views and interests known

Can take place at federal, state or local (town, village, etc.) levels to form relationships with all such officials

Elected officials will benefit from exposure to CPs and often welcome public interested views & perspectives.

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How to focus on Legislation?

Identify examples of legislation that were developed to address or solve real public policy problems or challenges experienced by various jurisdictions

Examine each to identify important features and commonalities

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What are some important features to look for?

- goals and purpose of legislation
- id all stakeholders-- both supporters & opponents
- intersection with Community Psychology values and the broader public interest
- political viability-- the dynamics of, or prospects for, passage

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Why are these features important?

[goals, purpose, stakeholders & political viability]

Public policy positions and legislation must be constructed to be *politically viable*—

IF NOT- there stands to be grave risk of an enormous waste of your resources.

While uphill battles must often be fought, modifying your position will help increase the prospects for success—in dealing with a complex, highly partisan and political process that is by its nature volatile and unpredictable.

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What are the six Legislative Examples?

The Examples are:

Legislative Attachments 1-4

small group examples

Legislative Attachment 5

example of a \$90 M budget restoration with over ride threat

Legislative Attachment 6

example of bill summary with request to a Senator for bill sponsorship

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What are the Legislative Examples?

The Examples are: Legislative Attachments # 1-6.

Before proceeding to Legislative Examples, a word on “political viability” and the “democratic process”

Case Illustration: New York’s SAFE Act of 2013

- * passed in January 2013
- * bans assault weapons
- * registration requirements
- * highly controversial

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Before proceeding to Legislative Examples, a word on “political viability” and the “democratic process”

Case Illustration: New York’s SAFE Act of 2013

- * passed in January 2013
- * bans assault weapons
- * registration requirements
- * highly controversial
- * arguably most aggressive in the nation

Why Highly Controversial?

Illustrates “democracy” in theory vs. in practice

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Case Illustration: New York’s SAFE Act of 2013

Why Highly Controversial?

Illustrates “democracy” in theory vs in practice:

Governor waived the “Three Day Rule” declaring an emergency– issuing a “message of necessity” leaving no time to read the bill.

- no public hearings
- no testimony
- no time for public views
- passed as midnight emergency* 30 days after Sandy Hook
- “three men in a room”

* “The Safe Act “emergency”: How Cuomo, past governors bypassed public to make laws” M Briedenbach, Post Standard, March 13, 2013, 1-2.

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Secondly, before examining specific legislation, it is helpful to look at one model of the various stages of intervention:

Stage 1: exploration & concept development

Stage 2: drafting the legislative proposal/legislation

Stage 3: finding a legislator(s) to sponsor-one house

(preferably majority party)

Stage 4: finding a legislator(s) to sponsor- 2nd house

(preferably majority party)

Stage 5: getting co-sponsors- both Dems. & Repubs.

Stage 6: getting the bill to the floor (both houses- requires Majority Leaders)

Stage 7: if it passes both- getting the Governor to sign

Stage 8: if it is signed, success;

Stage 9: if vetoed, go for an over ride of Governor's veto
--- very difficult but possible- it is the threat of
Stage 9 that often triggers Stage 8 success.

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Secondly, before examining specific legislation, it is helpful to look at various stages of intervention:

Why identify these 9 Stages?

a. to illustrate the importance of Stage 9 and

b. to put in context the five Legislative Examples (LE)

LA	1-3	Stage 7 [all became law]
LA	4	Stage 5 [co-sponsors]
LA	5	Stage 9 [real threat of over ride] <i>very difficult to achieve-- <u>playing hardball w/ Gov.-- and</u> <u>running risk of retaliation!*</u></i>
LA	6	Stage 5-6 [getting more co-sponsors to get it out of Committee]

*Note: the Governor controls appointments and resources that can have profound impacts on both Leaders and members, regardless of party affiliation. This power is used to reward and punish.

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Setting the Stage: Legislative Examples

Key Players (NY): Governor (D)

Majority Leader-Assembly (D)

Majority Leader- Senate (R)

Members of the Assembly

Members of the Senate

What Parliamentary Rules Apply? EXERCISE ASSUMPTIONS

- 1) Governor has 10 days to sign or veto OR bill becomes law
- 2) Only Majority Leaders have power to bring bill to floor
- 3) If both Houses pass, Gov. must act in 10 days- or it is law
- 4) If Governor vetoes, over-ride requires 2/3 of both Houses

Note: Probability of an over ride is statistically very low- as it appears to reveal a weak Governor *who controls neither House.*

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Setting the Stage: Legislative Examples

EXERCISE ROLES:

GOVERNOR

Majority Leader-Assembly

FACILITATOR

Majority Leader- Senate

What Parliamentary Rules Apply? EXERCISE ASSUMPTIONS

- 1) Governor has 10 days to sign or veto OR bill becomes law
- 2) Only Majority Leaders have power to bring bill to floor
- 3) If both Houses pass, Gov. must act in 10 days- or it is law
- 4) If Governor vetoes, over-ride requires 2/3 of both Houses

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Results: *Legislative Examples*

Brought to the floor?

Governor

[If yes, Assume Leader controls House & it Passes]

[If YES in both Houses:]

Senate Leader Assembly Leader

Vetoes or Signs into Law

LA - 1 Y N Y N V L

LA - 2 Y N Y N V L

LA - 3 Y N Y N V L

LA - 4 Y N Y N V L

LA - 5 Illustration [legislative hardball with over ride threat]

LA - 6 Illustration [bill summary w/ request to sponsor]

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One Possible Strategy for Public Policy Influence through a Legislative Proposal

- a) identify priority issue(s) that advance your CP values and justify your resources [include research area interests]
- b) research other states' successful legislation to identify potential relevance & applicability [expedites Stages 1 and 2] LA 1-3
- c) identify and/or draft potential "model legislation" that aligns with your legislative interests and those of potential allies LA 1-3
- d) explore feasibility with your federal, state or local elected representatives for re-action, interest and guidance on next steps
- e) develop grassroots support and potential coalition partners via in person outreach, letters to editor, op-ed articles, etc. LA-4
- f) with partners, develop a bi-partisan legislative outreach strategy to seek sponsors and co-sponsors at federal, state and/or local levels (town, village, etc.) LA 5-6

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Re-Cap of Workshop Objectives:

analyze legislation
stakeholder impacts
conceptualize proposals

small group with
LA 1-4 &
nine stage intervention model

political viability

LA - 5 & nine stage model

engage legislators w/ summary

LA - 6 & nine stage model

post conference on-line learning

via email with
Subject line: “PP 401”

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One Possible Strategy for Public Policy Influence through a Legislative Proposal

Conclusion

Any questions may be directed to: chris_corbett1994@hotmail.com.

If you pursue legislative bill analysis such as outlined here, any questions pertaining to existing or proposed legislation are also welcome to enable continued on-line learning between SCRA conferences (*The Community Psychologist*. 45(4), 16-17).

Finally, legislative intervention typically involves participation in settings that are ethically challenging, involving the use and abuse of power. The following resources graphically expose challenges associated with tampering with the complex political forces at work. These readings are informative and highly recommended prior to in-person meetings with legislators and/or participation in the public hearing process.

Recommended Reading:

Lachman, Seymour, P. (2006). *Three men in a room: The inside story of power and betrayal in an American Statehouse*. NY: The New Press.

Gallagher, Jay. (2005). *The politics of decline: A chronicle of New York's descent and what you can do to save your state*. Albany, NY: Whitson Publishing.

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