The NYS Legislative Process and How to Advocate Effectively

March 14, 2013

• Overview of the flow of legislation including the budget
• Tips on how to plan an effective legislative campaign— from campaign development to conducting effective meetings
The Public Policy Process

• It is a dynamic, ever evolving process, driven by people, policy, politics.

• Three official players:
  • Executive, Legislature, Judiciary

  Our Focus will be on the Legislature
The “Unofficial” Players:

- The Media
- The “Public/Voters”
- Special Interests
  - Policy/advocacy organizations
  - Business groups
  - Trade Associations, etc
  - Campaign contributors

All are components of an effective lobbying effort.
The Executive Branch
(the Governor and his agencies)

• Gov appoints agency heads
• Introduces Executive Budget
• Proposes Departmental and Program Bills
  • Budget introduced directly; needs legislative sponsors for all other bills (ie. redistricting bill)
• Signs or vetoes all legislation
• Can issue Executive Orders/Proclamations
• Implements policies
The Legislature

- Proposes, adopts, monitors
- Responsible for introduction of bills
- Committee process led by strong leaders in Senate and Assembly
- Have limited ability to change governor’s budget
- Provide oversight of policy implementation

Responsive to public/constituents, through hearings, meetings, reaction to media
The Judiciary

• Interprets, enforces
Process Dynamics

- People/Personalities:
  - Internal: electeds, their staff, civil service – longevity a major factor.
  - External: lobbyists, trade associations, non-profits – longevity at play here too.

- Policies:
  - Often see a clash of perspectives that must be negotiated. Issues are often “traded”.
  - Full spectrum from liberal to conservative.

- Politics:
  - Always an eye on elections: how will it play on election day
The Process Itself

- On-going, not just “session” (January to June)
- Continuous and typically incremental - policies build and change year to year.
- Issues move from executive to legislature to administrative to the judiciary (on occasion) and back as they are implemented, assessed, found wanting, addressed often over and over again.
The Executive

• Governor’s Team:
  – Division of Budget – controls the numbers
  – Second Floor – controls policy
    • Deputy Secretaries, Counsel, policy analysts, etc. typically trumps Agency perspective.
  – Agencies – implement the policies
The Executive Cont’d

• Governor’s Roles:
  – State of the State
  – Executive Budget introduction
  – “Program” bills
  – Executive Orders – force of law
  – Appoints agency leadership
  – Can speed up legislative process (message of necessity) and call “special sessions”
  – Final Say: Sign or Veto
State Budget Timeline

• The Budget is much more than the numbers. It drives policy, it must be passed, and it’s an ongoing process. (Article VII vs. appropriation bills)
  - **September-December:** Agencies develop their budgets and submit to Governor in the fall in response to “Call Letter” from Director of the Budget.
  - **Early winter:** Budget and 2nd Floor assess and add their overlay.
    - During this time advocates meet with agencies and 2nd floor to present ideas and encourage adoption.
  - **January:** Governor’s budget released and the Legislature begins Public Hearing process which continues through February and into early March.
    - Advocates testify, hold lobby days, meet with legislators in district and in Albany.
• **March:** Legislature begins Joint Budget Conference Committee Process. Provides some transparency but deals are still negotiated behind closed doors. (three way and two way deals negotiated)

• **April 1:** Deadline for Legislative revision/adoption

  Once passed by the Legislature the Governor has 10 days to sign or Veto. He can exercise line item veto power to eliminate individual items.

  The Legislature can over-ride vetoes with 2/3 vote in both houses – each individual veto must be voted on.

  Once all action on the budget is completed, the State Agencies implement it.

• **Review begins for the next budget cycle.**
The Legislature – Big Picture

• Has an extreme concentration of power in leadership
  – Assembly Speaker and Senate Majority Leaders control everything from chairmanships to parking spaces.
  • Assembly Democrat majority has not changed majority in over ¼ century
    – Speaker has been in place since 1994
  • Until the Democrats took over the Senate in 2009, it had been controlled by Republicans for 40 years.
    – After 2 years it returned to Republican control in 2011.
  • Independent Democratic Conference (5 members) in Senate now co-leads with Republicans

• Each year each house adopts its own governing rules that favor the Majority/leadership.
The Senate

- 63 Members, each represents ~ 290,000 constituents.
- Heavy concentration of members outside NYC.
- New dynamics this year: Joint leadership, Senator Smith joins IDC, increase to 63 members, democrats have majority, but do not control.
The Assembly

• 150 members, each representing ~120,000 constituents
• Democrat controlled, majority in NYC
• Speaker Silver
Role of Committees

• Review, amend legislation, hold hearings, in Senate play role in confirming appointments.

• Committee Chairs control movement of legislation in their committee’s purview
  • Appointed by Speaker/Majority Leader (who are Chairs of influential RULES Committees)
  • Are compensated (lulus)

• Subcommittees – can be established to highlight issues, issue reports, etc. but are not particularly influential.

• New York has the ability to use conference committees but only uses them when negotiating the budget.

• When bills are introduced immediately referred to appropriate committee.

• If they have fiscal implication or fines, fees, penalties, must also go through fiscal/codes committees as well as Rules.
Introduction and Movement of Bills

• Bills remain “live” for two years – from election to election – retain same bill number, but still must be passed each year.
• When seeking to get a bill passed, you must get the legislation introduced in both houses and passed in both houses. Both bills must be exactly the same or “same as” when passed.
• Bills can be amended while in committee, on the floor, but once amended in one house must be amended in the other or they are not “same as.”
• Each time a bill is amended, a letter is added at the end of the bill with each subsequent amendment. i.e. S.5476 becomes S.5476A, S.5476B, C etc.
Bill Sponsors—Why they matter

• It’s important to be strategic about who you ask to sponsor a bill – don’t just ask everyone you meet with.
  – Ideally, the “Prime” Sponsor – the one who controls the bill - is Committee Chair
  – However, you want a sponsor who will prioritize the bill and will work well with you and other supporters.
  – Typically it’s best to have a Majority member sponsor.
  – In the Senate, Independent Democratic Caucus members count as Majority Members.

• Additional sponsors can and should be added (co prime, multi sponsors) but the prime always controls.
  – Additional sponsors can help show diverse support, help move the bill to passage, but be careful of dynamics between parties.
Moving a Bill through Committee

• Once a bill is introduced it’s referred to the appropriate Committee
  – It sits there until the Chair puts it on the agenda.
  – Typically committees meet weekly on Tuesdays.

• Sponsors must advocate for their bills to be put on the agenda
  It’s your job to work with the sponsor, the committee chair and other members
to push/support putting it on the agenda.
  – If the sponsor is having difficulty, getting it on an agenda they can make a
    formal request (99).
    • Must be done by the end of the 2 year cycle.

• Once on the agenda, the Committee will discuss any controversial
  items and will:
  – Favorably report and refer to another committee (Codes or Rules)
  – Unfavorably report (stall/kill)
  – Hold for consideration
Moving the a Bill on the Floor for a Vote

• Before being voted on the bill must be read 3 times on the floor of the house – called 1st, 2nd and 3rd reading.
• Once it’s on 3rd reading, it needs to go on a controversial or non controversial calendar/debate list.
  – Non controversial bills are passed quickly with little fanfare. Controversial bills are debated on the floor.
• At the end of Session all bills are sent to the Rules Committee and the influential Rules Committee members determine which bills will go to the floor for a vote.
• Typically only bills that are sure to pass will go to the floor.
Working a bill

• Must work bill in both houses
  – Process is parallel

• Keep in mind:
  – Who might be working against you.
  – What relationships other groups you are working with might have that will help garner support.

• Don’t forget to:
  ➡ Get the media interested – public opinion counts
    • Especially in key media markets (districts)
    • Be sure to use stories in lobbying packets.
  ➡ Get perspective of the 2nd floor, agencies and constituencies of interest to the Legislature and Governor

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Working a Bill Cont’d

- Keep track of supporters and what members will speak up in “Conference” on your issue.
- Be prepared to act as a conduit for information between sponsors to make sure that your bill remains a priority and keeps moving.
- **Your goal:** Create a “buzz” and build enough momentum for the bill to make it to the floor for a vote.
Once a bill passes both houses:

- The first house to pass the bill determines when it is sent to the Governor – often it’s the Governor’s office that will signal that they are ready for a bill to be sent. Typically they are sent in “packages” to help manage the flow of bills.
- During session, once bill is sent to Governor – 10 days (not counting Sundays and holidays) to act. He can:
  - Sign
  - Ignore and it becomes law
  - Veto
    - Veto message
    - Possible veto over-ride by Legislature

Once a bill is sent to the Governor, you must rally support and get as many letters in support of the bill submitted to the Governor’s office as you can.
Agency Advocacy: Another Way to affect both policy and funding

• Can be done in a variety of ways
  – Urge agency to develop or support legislation (note new directive from Cuomo administration) through meetings, letters, etc.
  – Meet/comment on existing agency proposals
    • Rules, regulations, directives, etc.
  – Testify at agency hearings or public meetings
  – Recommend that agencies take administrative action to address a specific issue.
Critical Advocacy Campaign Components

As noted before – the public policy process encompasses three main components: people, policy and politics. A successful campaign needs to balance all three.

• People
  – Coalitions are often a great way to show numbers, share workload and resources. Whether formal or informal, for non profit advocacy work, having multiple organizations working on a campaign is critical.
Campaign Components Cont’d

• Policy
  – Good public policy is supported by research, concrete examples of how a particular proposal will work, ideally with examples from other states or regional pilot approaches and comes out of a demonstrable problem that must be solved.
  – The key is being able to translate that information in a meaningful and understandable way.
Campaign Components Cont’d

• Politics
  – While we may not like to admit it, much of the ability to be effective stems from access to lawmakers and their staff.
  – Developing and tending relationships is part of the process. This is something that most non-profit advocacy organizations are not good at. It’s something we should all endeavor to improve.
Campaign Planning

• Ideally a one to three year plan is developed that maps out how you intend to accomplish a successful campaign.

• It should encompass how you intend to pursue each of the three “P’s”.

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Campaign Details

• **Grassroots organizing** and coalition building
  
  – Always helpful
  
  – Unusual suspects add influence and interest – ie. businesses, gov’t associations or partners, labor, religious organizations etc.
Campaign Details Cont’d

- **Develop an earned media strategy that**
  - Helps create a sense of public interest/support for your cause
  - Helps amplify the message and documents it in a very public way
  - Adds legitimacy to your assertions.

- **Politicians pay attention to media, blogs and increasingly to other social media.**
  - Integrating these aspects into a campaign will help increase the chances of success.
Campaign Details Cont’d

• Have campaign materials that
  – boil issue down to the essence
  – repeatedly hit main points
  – are visually pleasing
  – present the information in a way that is easy to understand

• Develop multiple types of materials for different audiences and include district specific details whenever possible.
  – Fact sheets
  – Legislative memos from influential or constituent organizations
  – Press releases
  – Relevant news stories from key legislative districts
  – Real stories
  – Visual representation of data (Charts, graphs)
How to Approach a Meeting with Elected Officials

• If your legislator is unavailable, be enthusiastic about meeting with a staff person.
  – The staff do much of the background work and can become critical allies.

• Never act disparagingly or rudely toward younger or lower level staff. They are part of the team and you only hurt yourself and our reputation by being rude (long memories and long careers).

• Know what you want going in to the meeting and be specific.
  – Get a clear response to your request if you can.
Meeting with Elected Officials

• You’ve made it to the meeting:
  – If possible, open with issues your legislator agrees with.
  – Acknowledge and thank the legislator for past efforts.
  – Be confident, clear and concise. Hit your talking points.
  – Listen for the legislator’s point of view/position so you hear it from them.
  – It’s okay to say “I don’t know.”
  – Again, make sure you make your “ask” and get a response.
  – Ask for a card so you know the person’s title and can follow up
Follow up

• Often the hardest part
• Follow up with an email, phone call or subsequent visit.
  – Restate the specific commitment the legislator made.
  – Send any information requested.
• If you are working with others (internally or externally)
  – Coordinate communications with legislative offices so they are not asked the same questions multiple times.
  – Have the organization with the strongest ties follow up.
Additional Information

• Assembly website
  – http://assembly.state.ny.us/
  – Legislative info: http://assembly.state.ny.us/leg/

• Senate website
  – http://www.nysenate.gov/
  – Legislative info: http://www.nysenate.gov/legislation

• Governor’s website
  – http://www.governor.ny.gov/
  – Division of Budget: http://www.budget.ny.gov/