



## Process for Proposing Legislation

*(Adopted at the March 28, 2008 APA-Washington Board meeting)*

*The following identifies the process by which the Washington Chapter of the American Planning Association (APA-Washington) will determine whether to propose legislation. This includes **criteria** and **timeline and steps** that the APA-Washington Board will use to evaluate proposals for legislation.*

*This process assumes a recurring annual or biannual effort on the part of the chapter to determine whether there are any bills that the chapter thinks are ripe for proposing. It does not take the place of nor prevent the chapter from engaging in a special project – such as Livable Washington or the GMA Working Group – through which the chapter might also develop legislative positions or proposals.*

*This process is separate from the development of the Session Priorities and Legislative Platform, although the efforts should relate to one another. Also, while the work to propose legislation is an important function of the Legislative Committee, it should not preempt the primary focus of the committee which is bill review and comment.*

*For reference, the final pages contain two items from the Washington State Legislature's website: (1) How a Bill Becomes a Law, and (2) An Overview of the Legislative Process.*

### **A. CRITERIA**

*Developing, proposing, and passing legislation will be difficult and time-consuming, and the chapter should exercise caution in determining whether to propose legislation. At the same time, in the right circumstances, the chapter and its members may benefit from showing leadership and taking the initiative to propose good planning-related legislation (see the **Bill Proposal Form**). The criteria below are meant to help in making the determination.*

*The criteria are not in rank order, and are not intended to be comprehensive. It is the task of the chapter members involved, including the chapter lobbyist, to both answer the questions and assess their importance relative to one another. Chapter members involved are welcome to ask other questions that may be specific to any proposed piece of legislation.*

#### **I. CONTENT of the Bill**

- Is the proposal consistent with adopted APA-Washington documents (Livable Washington, Legislative Platform, Strategic Plan, etc.)?
- Is the bill fundamentally about planning? Does it go beyond planning statutes?
- Does the bill advance the public interest?
- Does the bill make it easier/harder to do good planning in Washington?
- How much does the bill cost to implement? Who bears this cost?
- Are the benefits worth the cost?
- Is the bill responsive to issues in different types of areas (Eastern vs. Western Washington, urban vs. rural areas, etc.)?

#### **II. FEASIBILITY of Running and Passing the Bill**

- How complex is the proposed bill?
- How many sections of RCW are revised?
- Do we have sufficient expertise to shepherd the bill?

- Would the bill be politically sensitive enough that it would affect planner's ability to shepherd it?
- Can we create a coalition to support the bill?
- Who might oppose the bill?
- How does this bill relate to other proposals (from APA-Washington or others)? Can we support similar proposals or should we run our own bill?
- Can we find a sponsor?
- How much of our lobbyist's time can we devote to this bill?
- How many other bills will APA-Washington run?

### III. TIMELINESS for Running and Passing the Bill

- Why propose this now? Is the time right?
- Has this bill (or a similar bill) been run before? If so, why did it not pass before and have those circumstances changed?
- Is the makeup of the Legislature appropriate for this bill?
- Who are the chairs and members of the relevant legislative committees?
- Where is the Governor on these issues?

### IV. PERCEPTION from Running the Bill

- Would APA-Washington be seen as a player on this topic?
- How does running this bill affect friends and others' perceptions of APA-Washington?
- What will the reaction be in the media?
- How will running this bill affect our ability to run other bills in the future?
- How will running this bill affect the chapter's standing in Olympia? Will it make the chapter stronger, and perhaps more likely to be included in other activities, such as task forces, committees, etc.?
- What would the effect be if the bill did not pass?

## B. TIMELINE/STEPS

*This section lists the timeline and steps by which APA-Washington evaluates ideas and helps turn them into draft bills that can be approved by the Board and submitted to and passed by the legislature. The bullets attempt to show a logical progression but, recognizing the iterative nature of the legislative process, they are meant to serve as guidelines. A person wishing to submit an idea for a bill to APA-Washington should use the **Bill Proposal Form**.*

### 1. DISCUSSION OF IDEAS FOR BILLS (Early Summer)

#### April–June

Annual Summer Meeting of Legislative Committee

- Legislative Committee can also use this meeting as their previous legislative session debrief
- Obtain input from chapter lobbyist on proposed ideas (lobbyist to attend meeting if feasible)
- Legislative Committee discusses any ideas proposed by members.
  - *If any chapter member comes up with an idea for a bill during the year, they should be referred to look at this adopted Process and be asked to fill out the Bill Proposal Form and send it to the Legislative Committee Co-chairs for discussion at the summer meeting.*

- Legislative Committee review of APA-Washington documents for ideas
  - *Discuss whether any ideas in existing APA-Washington documents (Livable Washington, Legislative Platform, Session Priorities, etc.) are ripe for proposing*
- At the meeting, compare ideas to the criteria
- After meeting, Legislative Committee provides Report to Board
  - *Following the meeting, the Legislative Committee Co-Chairs should provide a report to the Board regarding the discussion and determination regarding whether any of ideas discussed seem to be ripe for proposing as a bill*

Summer APA Board meeting –

- Discuss Legislative Committee report
- Provide feedback to Legislative Committee
- If there is not time at the Board meeting, schedule conference call between Legislative Committee and the Board

Follow-up with chapter member(s) that submitted ideas

- After considering the feedback from the Board, the Legislative Committee should respond back to the people who suggested ideas for a bill

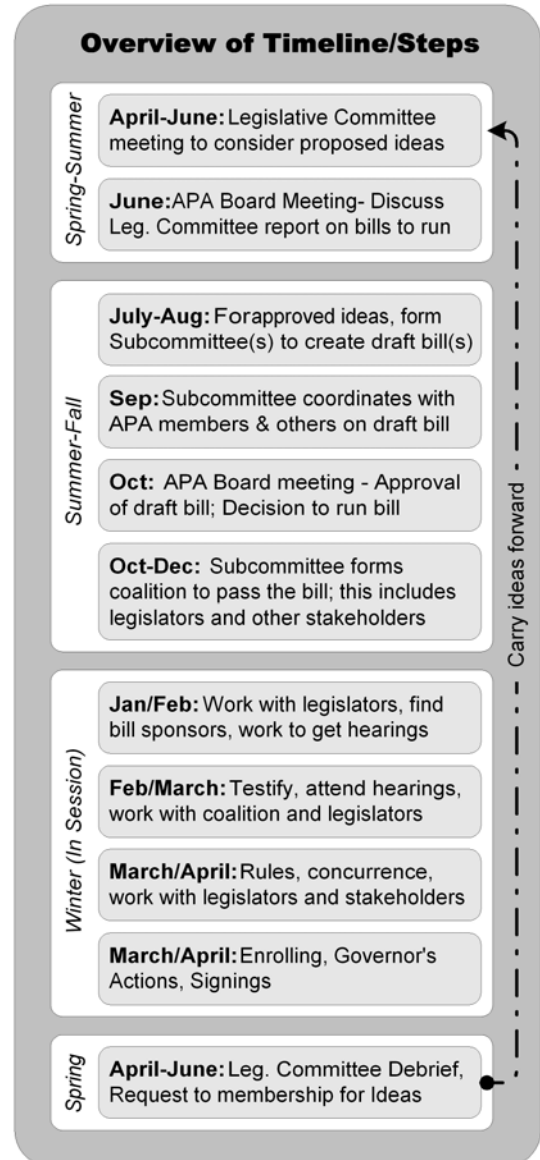
**2. DRAFTING BILL (Summer to Fall)**

**July–August**

If the Legislative Committee and Board agree that an idea is ripe for proposing as a bill...

- The first step is for the Chapter President and Vice President to form an Ad Hoc Subcommittee -
  - A chairperson should be identified, and a sufficient number of members recruited to ensure there is enough participation to support running the bill
  - Subcommittee can include individuals not on the Legislative Committee or Board, including potential non-APA coalition members
  - Obtain input from chapter lobbyist on Subcommittee
  - If there is not enough interest in serving on the Subcommittee, there is no bill

- Subcommittee works on turning idea into draft (*short timeframe!*)
  - As appropriate, work with the Legislative Committee and other APA-Washington members, in developing the draft (*iterative*)
- Chapter Newsletter (July) or Listserve – *Notify membership about the Subcommittee and invite them to join the Legislative Committee and/or the Subcommittee.*
- When the Subcommittee thinks a first draft is ready, hold conference call with Legislative Committee (*invite the whole Board to join conference call*)
  - Purpose of conference call is to review the first draft, provide feedback to the Subcommittee, and ultimately continue to assess whether idea is ripe



## September

- Subcommittee incorporates feedback from August Conference call
  - Where feasible, consider soliciting input from outside stakeholders
- When the Subcommittee thinks a second draft is ready, hold conference call with Board (*Leg Committee invited to join conference call*)
  - Purpose of conference call is to review the second draft, provide feedback to the Subcommittee, and ultimately continue to assess whether idea is ripe
  - This call should serve as preparation for the Board's Action in October
  - Consider seeking Code Reviser draft for easy dissemination
- If the idea is still alive at this point (from the perspective of the Subcommittee and the Board), the Subcommittee incorporates feedback, creates a third draft, and begins outreach to other stakeholders, interest groups
- Chapter Newsletter (September) – *Communicate with membership to notify members that the Board will take action on a draft bill at its annual October meeting*

The *October to December* period is a key time in the process – the Board has already concluded that the idea remains ripe and the Subcommittee is working on a third draft of the bill.

The major work in this period is involvement of outside stakeholders.

- Chapter lobbyist, Legislative Committee, Subcommittee play key roles in this time period
- Work to create a coalition to support the bill
- Work to inform / create support among legislators for the bill – Seek to brief the leadership in both the House and Senate regarding the proposal as well as members of the committees
- Find potential sponsors – determine whether to have Senate and House companion versions
- Identify potential opposition to the bill and evaluate options for mitigating their concerns

## October

Fall APA Board meeting –

- Board takes action on having chapter run the bill
  - Action is not on the exact language of bill, recognizing that it will continue to change
  - If Board is not ready to act, the bill should be dead for this session. If it dies, document the concerns for any future work

Fall Annual Chapter Meeting at Conference –

- If Board takes an action to run the bill, announce this during annual meeting.
  - If appropriate, hand out materials, or make it available through chapter website
- Chapter Newsletter (October/November) / Listserve – *Communicate with membership after the fall Board meeting to notify members of the Board's action on the draft bill*

### **3. FINALIZE BILL LANGUAGE (end of Fall–Beginning of Session)**

## November

Continue to build a coalition, communicate with legislators, and seek sponsors for the bill

Subcommittee to hold bi-weekly conference calls (or more or less as needed) to work through any amendments proposed by external stakeholders (Board members and Legislative Committee members invited)

## **December**

Continue to build a coalition, communicate with legislators, and seek sponsors for the bill

Subcommittee to continue to hold conference calls to work through any amendments proposed by external stakeholders (Board members and Leg Committee members invited)

- Finalize the proposal!
  - *Determine how and whether to announce chapter support for bill.*
- Take draft to Code Reviser
- Seek sponsors and pre-file if able
  - *Again, determine whether to have companion versions, or just one version.*
  
- Chapter Newsletter (December) – *Communicate with membership as part of kicking-off the legislative season*

## **4. DURING SESSION ACTIVITIES (Winter to Spring)**

*During session, the Subcommittee will continue be the lead on running the bill, because the Legislative Committee will need to perform its normal bill review tasks. However, passing the bill will also require time on the part of the Board, Legislative Committee, Chapter Leadership, and Lobbyist to work with Legislators and their staff.*

*The steps in the legislative process are described below. Note that the legislature sets exact dates for the steps in the legislative process at the beginning of the session (i.e., cut-off dates for committees, second and third readings, etc). The dates shown below are illustrative; make sure to use session calendar. Subcommittee should make sure that chapter and coalition members are aware of these dates.*

*If need, the Tuesday conference calls can be used for discussion regarding status, upcoming meetings, discussion of amendments, etc. The Subcommittee Chair, Chapter President and Vice President are authorized to make changes executively to the proposal when needed.*

*Also, at each step in the process, the Subcommittee will consider how to communicate with membership and, where appropriate, activate membership to help pass bill.*

### **Short Session: January – Regular Session: January – February**

Get bill introduced in House and/or Senate (**First Reading**)

- Continue to brief Legislators in both chambers and provide information on the bill including any changes the Subcommittee thinks should be included

Seek a committee hearing

- Provide information to all Legislators on the committees and their staff.
- Have other stakeholders in coalition communicate with Legislators on the committees and their staff

Review and provide comments to legislative central staff on Bill Reports and Fiscal Notes

- Subcommittee reviews these documents and provides comments to central staff, and when appropriate to Legislators and their staff

Attend committees' public hearings and provide testimony.

- Be prepared for last minute meetings or phone calls.
- Involve other stakeholders in coalition.

Attend meetings where committees vote on the bill. (Committee Action)

- Seek to pass bill by communicating with Legislators on the committees and their staff.
- Have other stakeholders in coalition communicate with Legislators on the committees and their staff

Winter APA Board meeting –

- Subcommittee to work with Board members, as needed, to help support bill

**Short Session: February – Regular Session: March–April**

Work to make sure bill is referred to the Rules Committee

The Rules Committee can either place the bill on the second reading of the calendar for debate before the entire body, or take no action.

- Seek to find legislator on Rules Committee to champion this bill
- Have other members of the coalition do the same
- Track bill in Rules Committee to find calendars (regular, consent, suspension) it appears on
  - Continue to communicate with Legislators and their staff

Attend floor action in House and Senate (Second Readings)

- Where possible, communicate with Legislators and their staff regarding amendments

Restart process when bill moves to opposite body of legislature (e.g., House to Senate)

Subcommittee members make themselves available to Legislators and their staff on the Concurrence, Dispute and Conference committees

- Where possible, communicate with Legislators and their staff regarding amendments

Enrolling / Governor's Actions

- Board leadership and Subcommittee members should try to be at bill signings.
- It is important to communicate any successes back to membership, and photograph do this

Keep members apprised of bill's progress as part of monthly report from lobbyist in chapter newsletter

**5. SESSION WRAP-UP (Spring)**

**April – May**

In the "End of the Session Wrap-up" article in the chapter newsletter, remind Chapter members that we have a new process, and ask for folks to submit their ideas for bill, prior to the summer meeting.

- *Notification to members of Legislative Committee Summer meeting. Request for ideas.*

Spring APA Board meeting –

- *If feasible, coordinate debrief with Board meeting.*

## How a Bill Becomes a Law

Source: <http://www.leg.wa.gov/WorkingwithLeg/bill2law.htm>

For more information, see: Legislative Process Overview, Reed's Parliamentary Rules, and Students' Page.

1. A bill may be introduced in either the Senate or House of Representatives by a member.
2. It is referred to a committee for a hearing. The committee studies the bill and may hold public hearings on it. It can then pass, reject or take no action on the bill.
3. The committee report on the passed bill is read in open session of the House or Senate, and the bill is then referred to the Rules Committee.
4. The Rules Committee can either place the bill on the second reading of the calendar for debate before the entire body, or take no action.
5. At the second reading, a bill is subject to debate and amendment before being placed on the third reading calendar for final passage.
6. After passing one house, the bill goes through the same procedure in the other house.
7. If amendments are made, the other house must approve the changes.
8. When the bill is accepted in both houses, it is signed by the respective leaders and sent to the governor.
9. The governor signs the bill into law or may veto all or part of it. If the governor fails to act on the bill, it may become law without a signature.

## Overview of the Legislative Process

Source: <http://www.leg.wa.gov/WorkingwithLeg/overview.htm>

**Prefiling | First Reading | Committee Action | Rules Committee | Rules Review/Rules White | Rules Consideration/Rules Green | Calendars/Bill Report | Second Reading | Third Reading | Concurrence, Dispute, and Conference | Enrolling | Governor's Actions | Carryover**

The Washington State Legislature is made up of two houses (or chambers), the Senate and the House of Representatives. Washington has 49 legislative districts, each of which elects a Senator and two Representatives. Senators serve four-year terms and Representatives serve two-year terms. The Senate and House of Representatives meet in session each year to create new laws, change existing laws, and enact budgets for the State.

The legislative cycle is two years long. Within that two-year cycle, there are two kinds of legislative sessions: regular sessions and extraordinary, or special, sessions. Regular sessions are mandated by the State Constitution and begin the second Monday in January each year. In the odd-numbered year, for example, 2005, the regular session is 105 days; in the even-numbered year, for example, 2006, it is 60 days. Extraordinary sessions are called by the Governor to address specific issues, usually the budget. There can be any number of extraordinary sessions within the two-year cycle, and they can last no more than 30 days. To see the legislative calendar for the most recent session, go to the Cut-off Calendar on the Agendas, Schedules, and Calendars page.

The members of the House and Senate offer legislation, or bills, for consideration. The ideas for bills come from a number of places: something has happened in the last year that inspires new legislation (for instance, the change in people's perception of crime gave rise to the youth violence bills that were offered during the 1994 Session), a member wishes to address an issue that is specific to his or her district, the Legislature decides to tackle a major issue (such as regulatory reform), changes in technology dictate a change in the State's laws, etc.

## Overview of the Legislative Process

Once a member introduces a bill, the legislative process begins. The process has a number of specific steps. If the bill makes it through all the steps in the chamber in which it was introduced (the "first house"), it goes to the other chamber (or "second house") and goes through the same steps there. Each step is identified and explained below.

**Prefiling:** Members can prefile bills for introduction in the month before session begins. (The House and Senate have slightly different rules regarding when the prefilings period begins.) Prefiled bills are officially introduced the first day of the session.

**Introduction or First Reading:** The first thing that happens to bills on the "floor" is introduction and referral to committee. This is also referred to as the bill's first reading. (Bills must have three readings in each house in order to pass the Legislature.)

Leadership determines to which committees bills will be referred; this is usually determined by the bill's subject matter. Bills that require an appropriation or that raise revenue must also go to a fiscal committee for review.

To see which bills will be introduced for the upcoming legislative day, go to the Agendas, Schedules, and Calendars page and display House Introductions or Senate Introductions

**Committee Action:** The chair of each committee works with leadership and staff to schedule bills to be heard by the committee. Committees hold three kinds of meetings: (1) work sessions, where issues are determined and reviewed; (2) public hearings, where testimony from interested parties is taken; and (3) executive sessions, where the committee decides how it will report the bill to the whole house. Not all bills get scheduled for hearing, so a good number of bills never get any further than committee.

Bills can be reported in several fashions, the most usual being do pass (pass the bill just as it is), do pass as amended (pass the bill as amended by the committee), and do pass substitute (the committee offers a different version to take the place of the original bill). The members on the prevailing side sign the "majority" report; those members who disagree with the majority sign the "minority" report. Not all bills coming out of committee have minority reports. To see a list of bills reported out of House or Senate committee each day, go to Standing Committee Reports.

As a bill moves through the committee process, the staff prepares the "bill report." The bill report includes a legislative history of the bill, background on the issue, a summary of the legislation, the names of those who testified on the bill, and a summary of the testimony for and against the bill. The bill report is edited as the bill moves through the process. When the bill moves to the opposite house, that house prepares a bill report as well. A bill that has finally passed the Legislature would have House, Senate, and Final bill reports.

At the start of the session, both houses agree on dates by which bills have to be reported out of committee in order to be eligible for further consideration by the Legislature. There is a "cut-off" date for bills to be out of committee in the first house and one for bills to be out of committee in the second house.

**Rules Committee:** Once a bill has been reported by the appropriate committee(s), the floor acts on the committee report and then passes the bill to the Rules Committee. Usually, the floor adopts the committee's recommendation.

The Rules Committee is where leadership exercises the most control over the process. The Rules Committee is made up of members from both parties. Each member on the committee gets to select two or three bills that will move on to the next step in the process. Which bills a member selects could be the result of a party caucus, or another member approaching that member, or a piece of legislation about which the member feels strongly.



## Overview of the Legislative Process

**Rules Review/Rules White:** The first step in the Rules Committee process is called Rules Review in the House and Rules White in the Senate (the report that lists the bills in this step in the Senate is printed on white paper). Rules Committee members review the bills and decide whether or not to move them on to the next step.

**Rules Consideration/Rules Green:** The next step is called Rules Consideration in the House and Rules Green in the Senate (the report is printed on green paper). Sometimes bills skip this step and go to the calendar for second reading. It is another step that allows leadership to control the process.

**Calendars/Bill Report Books:** The Rules Committee decides which bills will be scheduled for second reading. Those bills that will probably require some debate are placed on the regular calendar. Those that are probably not controversial may be placed on the suspension calendar in the House, the consent calendar in the Senate. The Rules Committee also decides whether a bill will be placed on the regular calendar or the suspension/consent calendar.

Each house prepares documents that list the bills scheduled to be heard on the floor. The House prepares "bill report books" (containing an order of contents and the bill report of each bill on the calendar) and "floor calendars" (a list of the bills, a brief description for each, and the committee action on each). The Senate prepares "calendars" (with an order of contents and the bill report of each bill), and "flash calendars" (the list with the brief descriptions and committee actions). The Senate flash calendar lists only those bills that were "pulled" from Rules at the last Rules Committee meeting. To see which bills are on the calendar in either house, go to House Floor Activity Report or Senate Floor Activity Report.

**Second Reading:** It is on second reading that the chamber discusses the merits of the legislation. It is here, too, where members can offer amendments to the bill. Most bills that get this far get their second reading in the couple of weeks following the committee cut-off.

If a bill has been amended in committee or on the floor in the first house, it is ordered engrossed. Engrossing a bill means incorporating the amendments into the body of the bill so that the second house gets one document. If a bill has been amended in the second house, it is returned to the first house with the amendments attached so that the first house can decide whether or not it wishes to agree with the changes the second house made.

**Third Reading:** Third reading is where the roll call vote on final passage is taken. If the bill finally passes, it continues in the process. If the bill fails on final passage, it goes no further. Under certain circumstances, the chamber may decide to reconsider the vote that was taken; in that case, the chamber has twenty-four hours to make a motion to reconsider the bill.

If the bill passes third reading in the second house and the second house did not amend the bill, the bill has passed the Legislature.

At the start of the session, both houses agree on "cut-off" dates by which bills have to be finally passed out of the first house and finally passed out of the second house.

**Concurrence, Dispute, and Conference Committees:** If the bill has been amended by the second house, the first house has to decide whether it will concur in the amendments or not. Leadership decides which bills returned from the second house will be discussed and places those bills on the concurrence calendar (House) or concurring calendar (Senate). If the first house concurs in the amendments, the bill has passed the Legislature.

If the first house disagrees with the second house, it can ask the second house to recede from the amendments. If the second house recedes, the bill has passed the Legislature.

## Overview of the Legislative Process

If the two houses cannot resolve their differences, one of them can ask for a conference committee. Members from each house meet to discuss the differences. If they agree on what is to be done, the conference committee makes a report. Both houses must adopt the conference committee report for the bill to pass the Legislature. If one house does not adopt the conference committee report (whether by vote or inaction), the bill has not passed. The House Floor Activity Report and the Senate Floor Activity Report list the bills on the concurrence, dispute, and conference calendars.

**Enrolling:** Once a bill has finally passed the Legislature, it is enrolled. A certificate proclaiming that it has passed is attached and, if necessary, the amendments from the second house or conference committee are incorporated into the body of the bill. The bill is signed by the Speaker of the House, the Chief Clerk of the House, the President of the Senate, and the Secretary of the Senate and is sent to the Governor for his or her action.

**Governor's actions:** The Governor reviews the bill. The Governor may decide to sign it, veto part of it, or veto all of it. If the Governor vetoes part or all of it, the Legislature may vote to override the veto. (That happens rarely.) If the governor does not act on a bill after the allotted number of days, it is as if it was signed. From the Governor's desk, bills go to the Secretary of State who assigns a session law chapter number. The Chapter to Bill Table (available on the Bill/Law Cross Reference page) lists the bills that have passed the Legislature, the chapter numbers assigned by the Secretary of State, vetoes, short descriptions, and the effective dates.

**Carryover:** The Legislature works within the framework of a two-year cycle. For instance, the 2005-06 Session is the 59th Session of the Legislature. There will be at least two regular sessions, a "long" session in 2005 (105 days) and a "short" session in 2006 (60 days). There could also be any number of special sessions, none of which can last longer than 30 days.

Therefore, just because a bill did not make it all the way through during the regular session in the odd-numbered year (for example, 2005) does not mean it is "dead." At the end of the session, all bills in the second house are returned to the first house; so a House bill in committee in the Senate when session ends is returned to the House. At the start of the next session, be it a special session or the next regular session, bills from the previous session are reintroduced and retained in their present position.

"Carryover" bills can be taken up again in subsequent sessions during the biennium. The Legislature has a lot of latitude with these bills. The first house can place the bill on the calendar for third reading and send it right back to the second house, or it can make the bill go to committee and through the whole process again.

This is in addition to the new bills introduced during the current session. This procedure can make it difficult to keep track of bills during a special session or the second regular session. If a bill does not make it through the process by the end of the two-year cycle, it is "dead."