



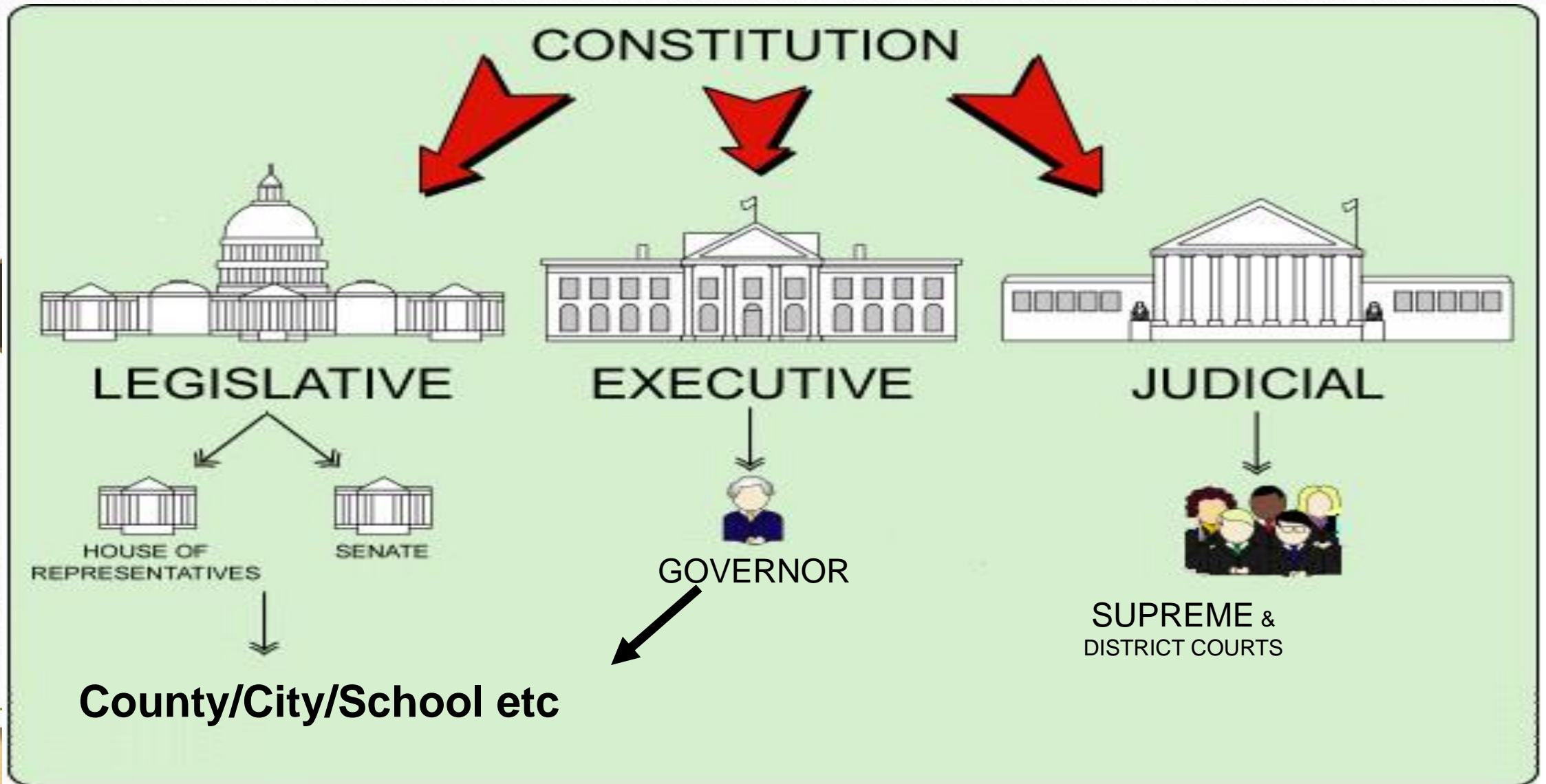
The Legislative Process!

ND Advocacy Training
August 5, 2020

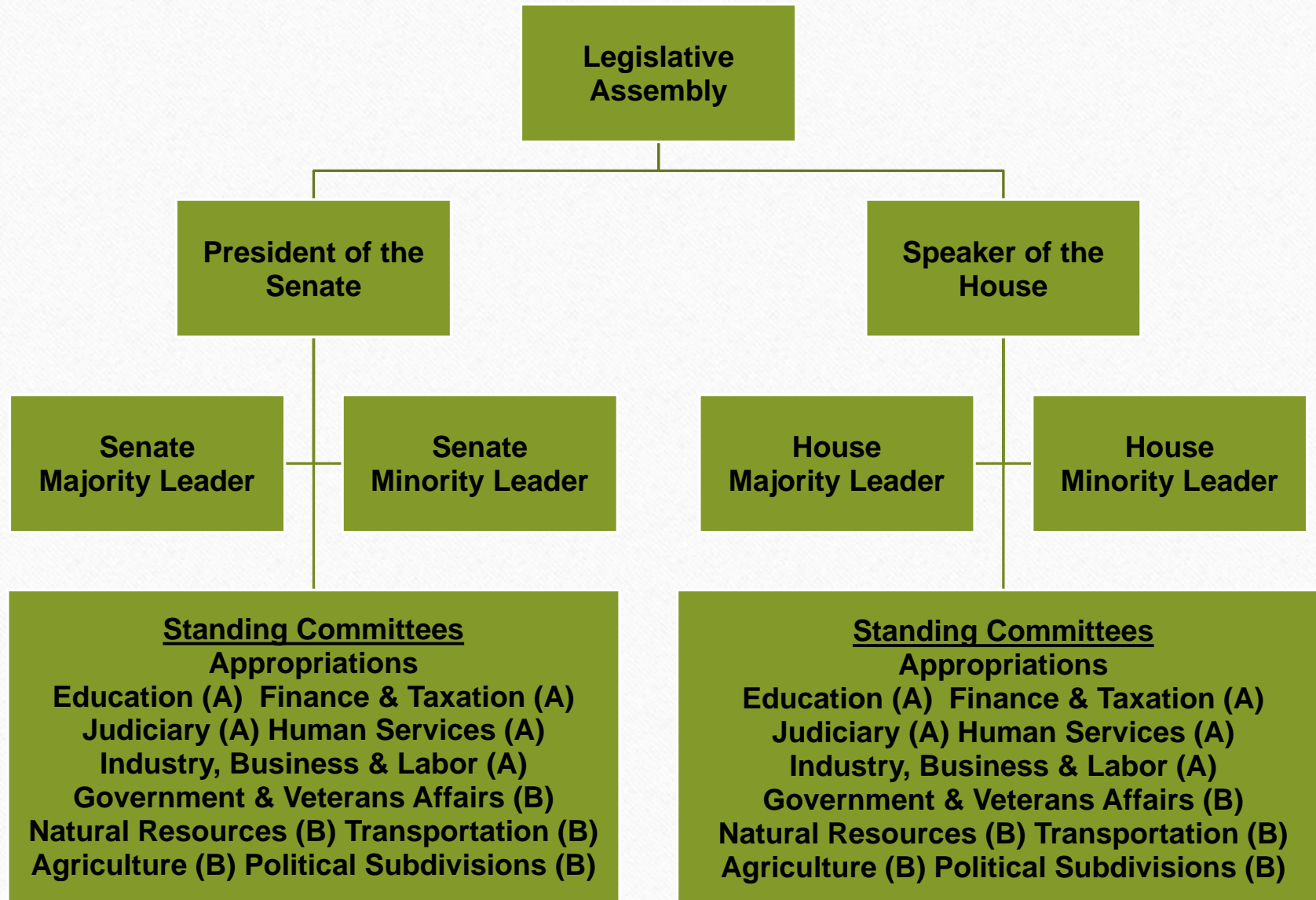
By

Aaron Birst

The Three Branches of Government



Legislative Organization



Key Dates

- December 1-3 2020- Organizational Session
- January 5, 2021 Session Begins
- January 10, 2021 Deadline for House Bills
- January 25, 2021 Deadline for Senate Bills
- April 28, 2021, 80th day.....

Key People - Leadership



- **MAJORITY PARTY**
- **Chet Pollert - House**
- **Rich Wardner - Senate**

- **MINORITY PARTY**
- **Joshua Boschee - House**
- **Joan Heckaman - Senate**

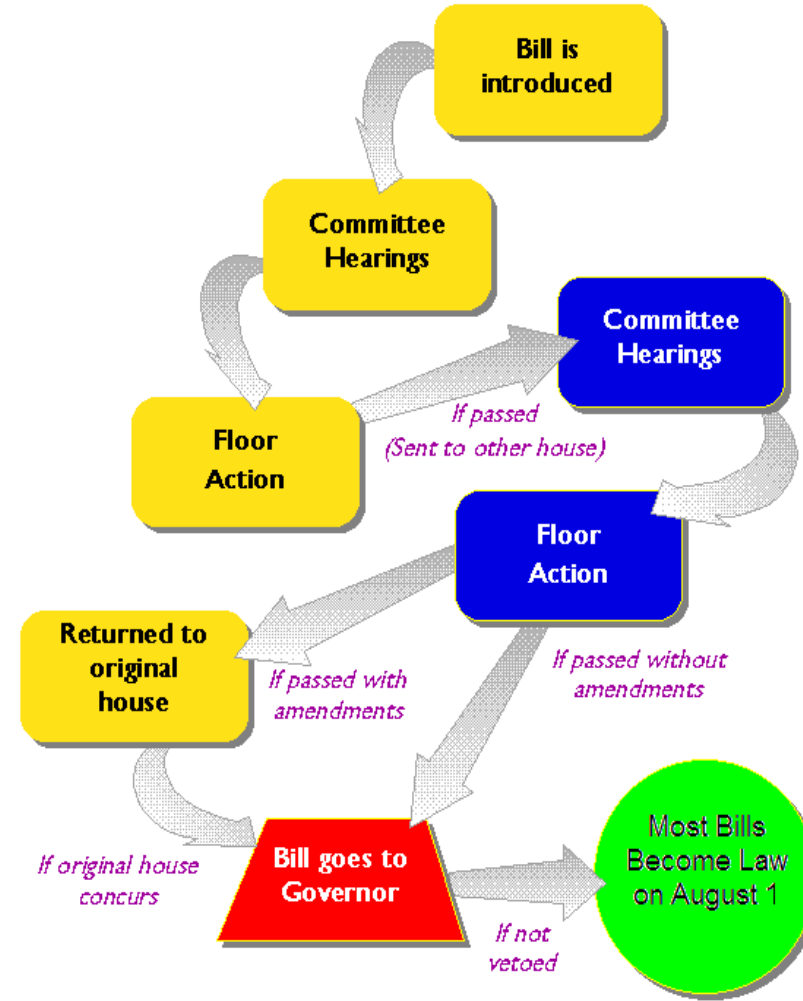
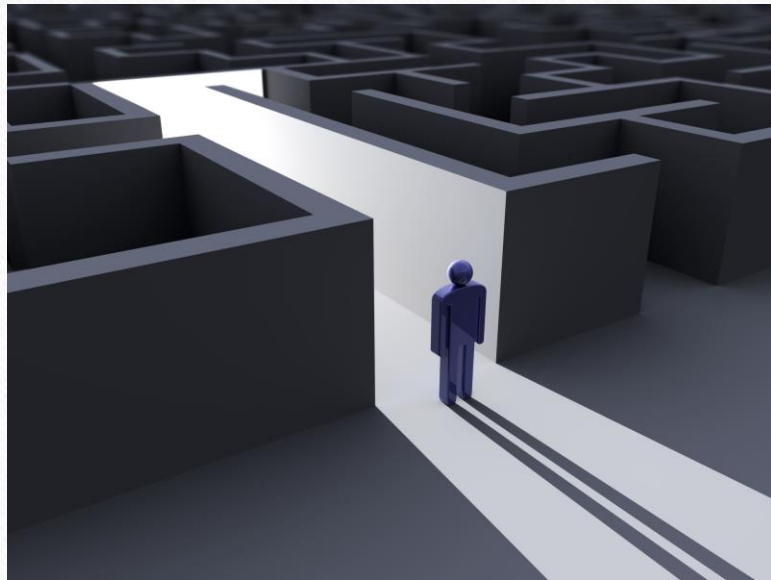
Key Committees

- Senate and House
 - Finance & Tax
 - Appropriations
 - Gov ops (H)
 - Judiciary
 - Transportation
 - Government & Veterans Affairs

ND Committees – Good Thing

- In ND committee chairs required to take action on all bills.
- In some states the committee chair is very powerful because there is no requirement to vote on the issue.
- Death in committee by one vote.
- Hope for “Do Pass” but don’t give up if “Do Not Pass” or “No Opinion.”

Legislative Process – Simple Right?



Some Legislative Rules

- Lobbyist Requirements
- Confusion
 - Corrupt Practices
 - Political Activities - Electioneering
- Hatch Act
- Fiscal Notes

What's a lobbyist – am I one?

<http://sos.nd.gov/lobbyists>

- ❑ NDCC 54-05.1-01, defines a lobbyist as "Any person who, in any manner whatsoever, directly or indirectly,attempts to secure the passage, amendment, or defeat of any legislation ...
- ❑ NDCC 54-05.1-02 does not apply to: An employee, officer, board member, volunteer, or agent of the state or its political subdivisions whether elected or appointed and whether or not compensated, who is acting in that person's official capacity.

General Rule

- Not a lobbyist:
 - “I am here today to express my opinion on primary seat belts”

- Lobbyist:
 - “I am here today to express the opinion of my neighborhood Association regarding primary seatbelt laws”

Corrupt Practices Frequently cited..... Frequently Wrong

NDCC 16.1-10-01 & 2 Corrupt practice -- What constitutes.

A person is guilty of corrupt practice within the meaning of this chapter if the person willfully engages in any of the following:

1. Expends any money for election purposes contrary to the provisions of this chapter.
2. Engages in any of the practices prohibited by section 12.1-14-02 or 12.1-14-03.
3. Is guilty of the use of state services or property or the services or property of a political subdivision of the state for political purposes.

"Political purpose" - activity in support of or in opposition to a **statewide initiated or referred measure**, a constitutional amendment or measure, a political subdivision ballot measure, or the **election or nomination of a candidate to public office**

34-11.1-02. Political activities.

- Except when on duty or acting in an official capacity and except as otherwise provided by state or federal law, no employee may be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.
- BE CAREFUL – Might have Employer policy

Hatch Act

- I'm not a Fed why bother?
- **ALSO COVERED**
 - an individual employed by a State or local agency
 - whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants by the US or Federal agency
 - Does not include an individual who exercises no functions in connection with that activity.
 - Section 1501
- <https://osc.gov/pages/hatchact.aspx>

What's the Prohibition?

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office

5 USCS § 1502

Legislative Rules

□ Example: Rule 501. FISCAL NOTES.

Except for a measure appropriating a specific dollar amount, every bill or resolution having an effect of five thousand dollars or more on the revenues, expenditures, or fiscal liability of the state must have a fiscal note attached which describes that effect and which is prepared as provided in this rule.

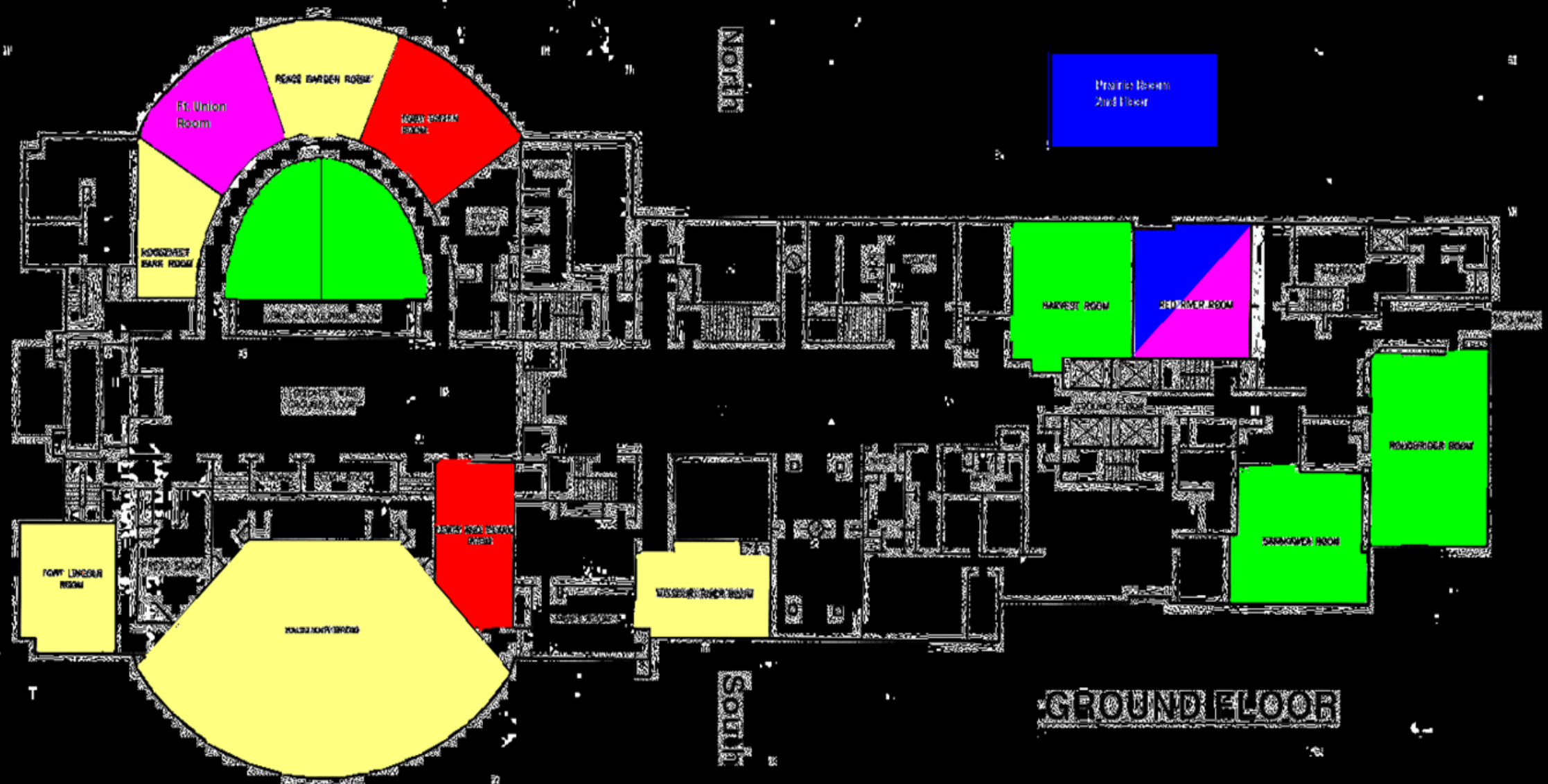
<http://www.legis.nd.gov/assembly/legislativerules/>

The Big Show – The Hearings Themselves

- ❑ Who should be involved and how?
- ❑ What do Legislators need & want to hear?
- ❑ What do you need to do ahead of time?
 - Establish order & content
 - Learn names & pronunciation
 - <http://www.legis.nd.gov/biographies>
 - Know the protocol
 - Greeting, Introduction, Deference, Acknowledgement
 - <http://www.legis.nd.gov/general-information>



Key Places – Committee Rooms



Testifying with impact

- 1) Submit written testimony.
(three hole punched!!!)
- 2) Be prepared to answer questions.
- 3) Know as best you can before who supports you and who doesn't.
- 4) Work the halls!

Floor votes

- Provide Bill carrier all the necessary information and counter points to detractors.
- Be a presence and learn from the first run.
- Get ready to do it all again on the flip side!

Thank you!

- Questions or Comments
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