LSD and OBPP PROCEDURES FOR INTERIM COMMITTEE REVIEW, REQUEST, AND DRAFTING OF AGENCY LEGISLATION

Updated July 2020

- As part of the Executive Planning Process, OBPP issued instructions to agencies for Legislation Proposals for the 2021 session.

- The OBPP and Governor's Office will review the agencies' description of proposed legislation and OBPP will send approvals for legislation authorized for drafting to agencies.

- The OBPP will forward to the Legislative Services Division (LSD) for distribution to the appropriate interim committees the brief descriptions of proposed legislation that has been approved for introduction for the 2021 session. The committee's review will be limited to the description submitted to the OBPP, unless the agency supplies other information.
  - ✓ If an interim committee wants to receive copies of the descriptions of all proposed agency legislation (not just those approved by the OBPP and Governor's Office), these forms are available upon request from the OBPP.

- Each interim committee will review the agencies' descriptions of proposed legislation between July and September 15, 2020. The Executive Director is available to come and explain the process and reasoning before the committee upon request. The purpose of the review is as a courtesy to the agencies to allow LSD staff to draft agency bills prior to the election so that the drafters may dedicate the time after the election for legislator requests. The review gives the Legislature a heads up on the agency proposals and prevents pressure on the few individual legislators that are able to request bills prior to the general election (holdover senators and unopposed candidates). The bills will be available for preintroduction by a legislator selected by the agency and available for consideration early in the session at the presiding officer's discretion.
  - ✓ **An interim committee's action on an agency proposal is <u>not an endorsement</u> or a position on the merits of the proposal.** Typically, a draft is not available yet and the agency may provide only limited information. The authorization to draft allows the proposal to be drafted earlier and preintroduced by a legislator contacted by the agency for consideration by the entire Legislature.
  - ✓ The preferred method for the committee is to authorize the drafting of the whole package of agency proposals in a single motion. However, if the interim committee does not request a particular agency proposal, the agency may still find a holdover or unopposed legislator prior to the election to request drafting of the proposal in order to meet the preintroduction deadline.

- ✓ After consultation with the agency, an interim committee is encouraged to consolidate related bill draft requests if there are no specific reasons for keeping them in separate requests.

- An interim committee may request that an agency present its proposals any time after the OBPP has forwarded the proposals. Interim committee review of agency legislation for the purposes of requesting bill drafts must be completed by September 15, 2020 (Legislative Council Rule).

- All agency bill drafts authorized and requested by an interim committee must be:
  - ✓ submitted to the LSD and identified by OBPP with the appropriate LC bill draft request number for processing, preferably as early as possible but no later than November 15, 2020; and
  - ✓ preintroduced by 5 p.m. on December 15, 2020 (Joint Rule 40-40(5)(a)).

- Except for bill drafts for requests by newly elected officials, if an agency bill draft requested by an interim committee has not been received by LSD for processing by November 15, the draft loses its priority (Joint Rule 40-40(2)(b)). The bill request will be placed on hold and go to the bottom of the drafter's pile, which may result in the bill not meeting the preintroduction deadline.

- A preintroduced agency bill will:
  - ✓ be assigned a bill number (e.g., House Bill No. 8, Senate Bill No. 5);
  - ✓ contain a line under the sponsor's name indicating that the bill is "By Request of" the agency; and
  - ✓ be printed before the Legislature convenes on January 4, 2021.

- Failure to preintroduce an agency-requested bill will result in the bill's cancellation and it will be the responsibility of the agency to find a new requester for the bill draft subject to the bill request limitations placed on legislators. After the preintroduction deadline, a bill may not include the "By Request of" an agency line.

If there are any questions, please contact Susan Byorth Fox in Legislative Services Division or Amy Sassano in the Governor's Office.