

## **CBA SECTION AND COMMITTEE PROCEDURES FOR LEGISLATIVE ENGAGEMENT**

*LPC approved January 21, 2020*

### ***Introduction:***

The Colorado Bar Association (CBA) is uniquely situated to offer insight, make recommendations and advocate CBA positions to the Colorado General Assembly on legislative matters. Before establishing a public position, the CBA employs a process to evaluate state legislation affecting the substantive areas of law, the practice of law, the judiciary, and the justice system. CBA section and committee input to the process is critical for the CBA to formulate legislative positions on behalf of the legal profession. This guidance document outlines the role of CBA sections and committees in the development of CBA state legislative positions.

### ***Authority:***

The CBA Board of Governors has vested authority with the Legislative Policy Committee (LPC) to determine CBA positions on state legislation. The LPC follows the Legislative Policy Committee Guidelines on Legislative Positions (LPC Guidelines) approved by the CBA Executive Council. The Executive Council retains oversight and authority for action or comment on all other matters. Sections and committees are to apply the LPC Guidelines to evaluate legislation and follow these section and committee procedures when recommending legislative positions to the LPC.

Unless authorized by the LPC, no section or committee may take a position on state legislation on behalf of the CBA or an individual section.

Unless authorized by the CBA Executive Council, no section or committee may take a position on any other policy, including ballot measures, local ordinances, federal legislation, administrative rulemaking or court rules.

## **ROLES**

### ***The Legislative Policy Committee:***

The LPC is comprised of 13 voting members:

- The CBA triumvirate (CBA President, President-Elect and Immediate Past President),
- Seven presidential appointees, and
- Three members elected by the Board of Governors.

The LPC determines whether and what CBA's position is on a bill. The LPC meets at the CBA offices every Tuesday at 12:00 p.m. during the legislative session (early January – early May). Any CBA member is welcome to attend LPC meetings in-person.

Information distributed within and discussions held by the LPC to develop legislative positions are not to be shared outside the CBA. All LPC attendees are not to share LPC decisions or discussions externally until approved by the CBA legislative director or LPC Chair. An LPC attendee who reports the outcome of a vote or deliberation from the LPC meeting without authority may be barred from future meetings at the discretion of the LPC chair.

### ***Sections and Committees & Legislative Liaisons:***

Sections and committees are the backbone of the CBA legislative process. Their expertise, guidance and involvement are essential to CBA legislative program. The LPC relies on sections and committees to

develop and maintain a deliberate decision-making process to methodically but expeditiously evaluate legislative proposals, whether bills or amendments.

Section councils are to appoint a legislative liaison. A section legislative liaison provides both the section with a central point of accountability for legislative matters and a clear point of section authority to CBA staff. Legislative liaisons can facilitate the ability to make decisions most efficiently within the section councils. A section council may vest a legislative liaison with the authority to act on behalf of the section or require a vote by the section council on legislative decisions and recommendations.

#### ***The Director of Legislative Relations:***

The Director of Legislative Relations (Legislative Director) leads the CBA's efforts to advance the legislative positions of the CBA, as approved by the LPC. The Legislative Director serves as a strategic legislative resource for the LPC, sections and committees, and legislative liaisons. When legislation is introduced or amended, the Legislative Director will distribute bills that may be of interest or concern to sections or committees. The Legislative Director stays abreast of near-term developments at the Capitol as well as the longer-term political climate to best inform CBA legislative strategy.

The Legislative Director is responsible for coordination of CBA's legislative engagement, including:

- Outreach to legislators, executive branch officials, constitutional officer officials, external stakeholders, and lobbyists;
- Requests of bill sponsorship to legislators;
- Assignment of legislative witnesses; and
- Directly advocating or lobbying lawmakers.

The director is a registered lobbyist and coordinates the work of the CBA's professional lobbyist on contract with the CBA.

## **PROCESS & PROCEDURES**

#### ***Duties of the Legislative Director & Section Legislative Liaisons:***

The Legislative Director will identify and distribute bills of interest to the applicable section legislative liaison. The legislative liaison shall review and provide to the legislative director a preliminary assessment and position (if any) of the bill within a few days of introduction. Sections and committees should work expeditiously as legislative scheduling can move quickly and is frequently unpredictable. Legislative liaisons may assign bills to fellow section or committee members for a detailed analysis. Section and committees are to update the Legislative Director with any additional bill analysis.

In addition to the Legislative Director's review of introduced and amended bills, legislative liaisons are also to review all state legislation on a regular basis. Section or committee chairs are to support legislative liaisons in their work to ensure the section or committee can adequately manage the review and analysis of legislation.

#### ***Bill Tracking:***

The CBA uses BillTrack50<sup>1</sup> to manage legislative review within and among sections, committees and LPC. BillTrack50 allows for dissemination of bills within sections and committees and provides a platform for members to discuss and analyze legislation. For the Legislative Director to stay efficiently informed of intra-section discussions, sections and committees are requested use BillTrack50 when evaluating legislation with colleagues and to memorialize conversations or email threads that are pertinent to the

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<sup>1</sup> [www.billtrack50.com](http://www.billtrack50.com)

development of a position recommendation. The CBA provides access and login credentials to section leadership.

The CBA provides annual BillTrack50 training for section and committee leadership; legislative liaisons are required to attend this legislative training. The Legislative Director can arrange for additional training as requested.

### ***Establishing CBA Legislative Positions:***

On any bill, the section or committee council is to determine whether and what position to recommend to the LPC for the CBA's formal position on any particular bill. When reviewing legislation, a section should consider:

- Whether the bill falls within the LPC Guidelines,
- Whether the section or committee has competency and expertise about the bill, and
- The accuracy and precision in drafting.

When a section or committee determines that a bill in its purview is both of interest to its members and meets the above guidelines, the section or committee is to notify the Legislative Director of its position as soon as practicable. The Legislative Director and section legislative liaisons are to coordinate to prepare the recommended position for consideration by the LPC.

When developing a proposed legislative position for consideration by the LPC, sections and committees are to categorize the proposed position into one of the following categories, as prescribed by the Colorado Secretary of State.

- **Supporting** – The CBA supports the bill as drafted or as amended and actively works to support passage.
- **Opposing** – The CBA objects to the bill in whole or part and works to defeat the legislation. This position may be the result of unsuccessful efforts to amend the bill.
- **Amending** – The CBA recommends changes to the bill to make it acceptable legislation and will work with partners or stakeholders to change the bill to an acceptable format.
- **Monitoring** – The CBA monitors the bill in the legislature and reviews the legislation at future meetings.
- **None** – The CBA will not take any action on the bill or review it later.

The LPC must avoid nuanced positions on legislation and classify according to the positions above, as prescribed by the Colorado Secretary of State. The LPC may table a bill at any time and may reconsider such bill at a subsequent date or time.

### ***The LPC Memo:***

To recommend a legislative position to the LPC, a section or committee must develop a succinct memo detailing the rationale behind the recommendation (as well as any proposed bill amendments), an analysis how the proposed position comports with the LPC Guidelines, and the vote tally within the section submitting the LPC memo. While individual sections or committees can determine their internal legislative processes, legislative liaisons are generally responsible for LPC memo drafting.

An LPC memo will be provided by the Legislative Director to the LPC at least two business days before each LPC meeting. In addition to providing the LPC a briefing of the bill, pertinent issues and proposed

CBA position, the LPC memo serve as the foundation for external communication, such as a factsheet or committee testimony.

The Legislative Director must receive the LPC memo by Thursday 12:00pm for consideration at the weekly LPC meeting the following Tuesday. At their discretion, the LPC Chair or Legislative Director may waive deadline requirements for LPC memos.

***Factsheets, Legislative Meetings, & Testimony:***

If a formal CBA position is approved by the LPC, the Legislative Director and relevant legislative liaison are responsible for developing factsheets, which should be formulated in large part from the information available in the LPC memo. Factsheets serve as the key conduit of information to legislators, who juggle information on and background of hundreds of bills from hundreds of constituencies.

One-on-one legislative meetings are frequently necessary to effectively advocate CBA positions. The Legislative Director will, from time to time, request a legislative liaison, or a designee, to participate in meetings directly with stakeholders or legislators.

Legislative liaisons are to work within a section or committee to develop testimony for legislative committee hearings, including identifying members to testify directly before committees in person.

No member of CBA may testify or lobby a bill on behalf of the CBA, or any individual section, without the authorization of the LPC. None of these guidelines are intended to limit a CBA member from testifying individually or on behalf of other parties.

***Checklist of Section and Committee Requirements for Legislation:***

- ✓ Each section must appoint a legislative liaison.
- ✓ Legislative liaisons are responsible to review or assign bills to section council members/committees for review. Legislative liaisons are to follow and update the section on bill progress.
- ✓ Legislative liaisons are responsible for coordinating committee testimony preparation and other materials for the bill, such as factsheets
- ✓ Legislative liaisons must respond to every bill which the legislative director has sent to their section.
- ✓ Legislative liaisons must observe LPC deadlines for any bill of interest.
- ✓ Legislative liaisons must provide an answer to the director for every bill flagged to the section, even if the response is “none.”