

MACRS

THE LEGISLATIVE PROCESS



- **HOW A BILL BECOMES A LAW**
Patrick M. Charles | PERAC
- **KEYS TO LEGISLATIVE SUCCESS**
Patrick M. Charles | PERAC

MACRS 2016 Spring CONFERENCE
June 4, 2016



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How a Bill Becomes a Law

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Who Files Bills?

- Legislators
- Governor
- Agencies or state officers (i.e., Treasurer, Auditor, Secretary of State)
- By request

3

Where and When Are Bills Filed?

- In either the House or the Senate, though money bills (budgets) must be filed in the House
- Legislator must file by the third Friday of January at the beginning of the first year of a two-year session
 - 2017 session: January 20, 2017
- State officers and agencies such as PERAC must file by the first Wednesday of November prior to the start of the first year of a legislative session
 - 2017 session: November 2, 2016
- The Governor may file legislation at any time
- Once filed, a bill is assigned a bill number and referred to a legislative committee for review

4

NOTES:

Committees of the General Court

- There are 3 types of committees:
 - Standing Committees of one branch
 - Joint Standing Committees
 - Conference Committees

5

Standing Committees

- 10 House Standing Committees
- 7 Senate Standing Committees
- Both chambers have 6 corresponding Standing Committees:
 - Ways and Means
 - Third Reading
 - Bonding, Capital Expenditures and State Assets
 - Post Audit and Oversight,
 - Steering Policy and Scheduling, and
 - Global Warming and Climate Change
- The Senate combines Ethics and Rules while the House has separate committees
- The House - Personnel and Administration and Floor Division

6

NOTES:

Joint Standing Committees

- There are 25 Joint Committees
- Joint Committees each have a Senate and House co-Chair:
 - Membership: 6 Senators and 11 Representatives
- Three committees have 7 Senate and 13 House members:
 - Economic Development and Emerging Technologies
 - Healthcare Financing
 - Transportation

7

Committees of Note

- Joint Committee on Public Service
 - Primary jurisdiction for bills concerning:
 - Public Employee Retirement (c.32)
 - Civil Service (c.31)
 - Collective Bargaining (c.150E)
 - State and Municipal Healthcare (c.32A and c. 32B)

8

NOTES:

Committees of Note

- House and Senate Ways and Means
 - Any bills that are released from Public Service that have fiscal implications are then considered by the Ways and Means Committees:
 - Retirement benefit changes
 - COLA bills
 - Creditable service bills
 - Group classification bills

9

What Happens at the Committee Level

- Public hearing
 - Legislators, members of the public and interest groups present written and/or oral testimony to the committee members

10

NOTES:

After the Hearing

- Committees must report bills to one of the Chambers:
 - Straight Favorable Report
 - Amend the bill
 - Completely redraft the bill or combine several bills into one
 - Study order
 - Discharge to another committee
 - Unfavorable or Ought **NOT** to Pass Report

11

If Given a Favorable Report

- Bill is given second reading and subject to amendment
- Bill advances to Committee on Third Reading where it is subject to review for:
 - Legality
 - Constitutionality
 - Duplication or contradiction of existing law

12

NOTES:

Engrossing

- After Third Reading, a bill is subject to amendment and debate and then is voted on and passed to be engrossed.
- Once a bill is engrossed in one chamber it moves to the other chamber where the process is repeated.
- If the bill is engrossed in the second legislative branch, it will be sent to the Legislative Engrossing Division to be typed on special parchment as required by law.

13

Enactment and Amendment

- If NO amendments, the bill proceeds to be voted on enactment.
- Both chambers beginning with the House must vote on enactment, then the bill is sent to the Governor.
- If amended in second chamber:
 - First chamber votes on concurrence of amendment.
 - If rejected, a Conference Committee must be appointed.

14

NOTES:

Conference Committees

- Three members from each chamber:
 - Two from majority party and one from minority party
- Conference Committee must reconcile bills and present a Conference Committee Report
- Conference Report **MAY NOT** be amended and must receive an up or down vote
- If approved, the bill is enacted by each branch and laid before the Governor

15

Governor's Options

- Sign the bill into law
- Veto the bill
- Send the bill back with amendments
- Allow the bill to become law without signing it within ten days when the legislature is in session
- Pocket Veto: If the legislature is adjourned and no action is taken in ten days, the bill does not pass into law
- ➔ A veto by the governor can be overridden with a two-thirds vote in both legislative branches at any time until the session ends.

16

NOTES:

After Signature

- The new law usually takes effect in 90 days, but can become effective immediately if it includes an emergency preamble which must be adopted by a two-thirds vote of the legislature or by an emergency declaration by the governor.
- The new law will be added to the Acts and Resolves of that legislative session.

17

Special Legislation

- Drafted locally/approved locally
- Filed as a home-rule petition
- Retirement board/c. 32 practitioners not consulted
- Home rule petition viewed as local matter difficult to amend
- Creates expectations for member

18

NOTES:

Home Rule Petitions

- Submitted by the local legislative body (i.e., town meeting, board of selectmen, city council)
 - Can be filed at any time - not subject to filing deadline
 - Legislature may be limited in terms of amendments to Home Rule Petitions:
 - No changes
 - Editorial changes only
 - Changes consistent with intent

19

Types of Home Rule Petitions

- Increased disability - catastrophic injury 100%
- Group classification changes
- Age exemptions for civil service exams
- Age waivers for post-65 public safety service
- Special disabilities
- Reinstatement of pension after section 15 forfeiture

20

NOTES:

Special Legislation - Disability Pension

SECTION 1.

- (a) Notwithstanding any general or special law to the contrary, the [REDACTED] retirement board shall retire [REDACTED] a police officer of the city of [REDACTED] who as a result of injuries sustained while in the performance of his duties on November 2, 2010, is totally and permanently incapacitated from performing the essential duties of a police officer.
- (b) The annual amount of pension payable to [REDACTED] shall be equal to the regular rate of compensation which would have been paid had he continued in service as a police officer of the city of [REDACTED] at the grade held by him at the time of his retirement until his death or reaching mandatory retirement age whichever comes first. The additional benefits granted in this act shall be funded and administered by the [REDACTED] retirement board, consistent with and subject to chapter 32 of the General Laws, except sections 8 and said 91A of said chapter 32 shall not apply. All amounts paid under this act shall be non-taxable.
- (c) Upon attaining the mandatory retirement age for a police officer in the city of [REDACTED] a shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of pension equal to 80 per cent of the annual rate of the compensation he was receiving on the day before he reaches the mandatory age for a police officer in the city of [REDACTED]

SECTION 2. [REDACTED] shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties on November 2, 2010, in accordance with sections 100 and 100B of chapter 41 of the General Laws.

SECTION 3. In addition to the benefits granted herein and upon retirement, [REDACTED] shall receive a lump sum from the [REDACTED] retirement board equal to his total accumulated retirement deductions.

SECTION 4. If [REDACTED] is married at the time of retirement, then upon his death, should his wife [REDACTED] survive him, the [REDACTED] retirement board shall pay to her an annuity in the amount of 75 per cent of the amount of the pension which otherwise would have been payable to him until her death. The pension shall be subject to section 103 of chapter 32.

SECTION 5. In the event that both [REDACTED] and his wife [REDACTED] die before their children reach the age of 18 or 22, as provided in this act, the payments that would otherwise have been made to [REDACTED] shall be payable, in equal shares, to each surviving child under the age of 18, provided, however, that payments shall continue for the benefit of a surviving child 18 years or older who, on or before the date of death of [REDACTED], whichever is later, had been medically determined to be permanently physically or mentally incapacitated from earning or for the benefit of a child under the age of 22 who is enrolled as a full-time student.

SECTION 6. This act shall take effect upon

21

Issues to Address and Consider

- “Notwithstanding any general or special law”
- s. 8 and s. 91A shall not apply
- “All amounts paid under this act shall be non-taxable.”
- “ this act shall take effect upon”

22

NOTES:

Working After 65

SECTION 1. Notwithstanding any general or special law to the contrary, [REDACTED] chief of the fire department of the town of [REDACTED], may continue to serve in that position until June 30, 2015, until the date of his retirement or until the date he is relieved of his duties by the town manager, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The board of selectmen of the town of [REDACTED], at its own expense, may require that [REDACTED] be examined by an impartial physician designated by the board to determine his mental and physical capability. No further deductions shall be made from the regular compensation of [REDACTED] under chapter 32 of the General Laws for any service subsequent to July 18, 2013, and upon retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on July 18, 2013.

SECTION 2. This act shall take effect upon its passage.

Approved, July 24, 2013.

23

Do You Need To File A Bill?

- Not every issue needs to go through the bill process
- Budget Amendment (Outside Section)
- Amendment to an existing bill or a substituted new draft

24

NOTES:

Summary

- Speak to your legislators
- Advise the member

25

Further Information

- www.mass.gov/perac
- 2012 Retirement Board Member
Education---
The legislative process in Massachusetts

26

NOTES:



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THE LEGISLATIVE PROCESS

Keys to Legislative Success

Associate General Counsel | PERAC
June 4, 2016

How Do You Get a Bill to Become a Law?

- We have already seen how the legislative process works but how do you get a bill from one step to the next?
- Idea
- Supporters
- Draft legislation
- File the bill

28

Step 1: A “Good” Bill

- Someone has an idea to change Massachusetts’ state policy by filing a bill.
- What is a “good” bill?
 - A “good” bill is one that is not only in the interest of the petitioners, but also in the interest of the general public.
 - It can be good policy for you - but is it also good **PUBLIC POLICY?**

29

NOTES:

The Right to File

- The United States is a pluralistic society: Individuals have a most cherished right to assemble to advocate for their interests before the government.
- Where do we get that right?
 - Article 2 of the US Constitution in the bill of Rights: the right of the people to assemble, and to petition the Government for redress of grievances.
 - Article IX of the Massachusetts Constitution: The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

30

Step 2: A Petition

- Individuals approach legislators for the most part, or the Governor in some cases, to file a bill that would accomplish what they seek.
- Interest groups do the same: groups like MACRS and the Retired State, County and Municipal Association of Massachusetts
- They may ask:
 - Their local legislator
 - A legislator they happen to know
 - A legislator that they feel shares the same view and is determined to get it passed
 - A legislator who sits on, or even better, chairs the committee of record for that issue-area
 - A member of the legislative leadership, or
- The Governor may file legislation at any time.

31

NOTES:

Step 3: Advocacy

- It can be sophisticated or simple.
- Interest groups, since they represent many people, are especially influential in advocacy.
- You will often find advocacy groups on both sides of an issue.
- For example:
 - Environmental protection
 - Massachusetts Public Interest Research Group, MassPIRG
 - Associated Industries of Massachusetts
 - Public pension benefits
 - National Association of Government Employees - a very influential advocacy group.
 - The Massachusetts Taxpayers Foundation, also very influential.
- It's basically the initiation of a legislative campaign to move a bill through the process.

32

Step 4: The Campaign - What Do You Do?

- Talk to members of the Senate and House often.
- Write policy papers to support your position: Be brief and concise.
- Enlist support of like-minded advocacy groups whose support of your issue is in their interest (but maybe not central to their agenda).
- Get your supporters to write (no form letters please!) or email legislators. Communications to a legislator from his or her constituents are especially effective.
- Spend advertising \$\$\$ to promote your position: radio, TV, print media, the Internet. Social media also an option.
- The hearing process is important:
 - Bring your most influential speakers.
 - Be brief and leave behind more detailed written testimony.
 - Bring lots of people - even if they don't testify: it definitely makes an impression.
 - There is strength in numbers in the legislative process.

33

NOTES:

Step 4: The Campaign

- Be absolutely truthful and candid, not evasive.
- Be informative, but not wordy.
- Be courteous and perhaps most importantly,
- Be persistent:
 - Be ready for a long campaign. If it's a very important bill it could take several years to build support for passage.

34

Step 5: Ongoing Assessment and Advancement

- The objective is to win the attention and the support of legislators.
- How effective is your campaign?
- Factors in success:
 - Who is more politically important to a legislator (advocates in his/her district)
 - Who is generally more politically powerful?
 - Who has press support?
 - Whose policy position makes the most sense and is of greatest benefit for the most people?
 - And of critical importance: Whose sponsors can get the support of the legislative leadership for the bill?
 - Do not forget. The Governor, with his veto power, also has a major say in what will happen.

35

NOTES:

Step 6: Back to Persistence

- You have to stay committed to the process for the long haul.
- Remember bills often take multiple sessions before they are finally enacted

36

NOTES:

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