

Finding the right author for your bill

By Ray LeBov

As sponsor of legislation, one of the most important decisions you will face is whom to ask to be the author of your bill. The significance of this decision cannot be overstated and is equalled by its complexity. I generally apply the following checklist of considerations to help ensure that I approach the “ideal” author:

1. Is the potential author (“PA”) in a leadership position in the Legislature?
2. Is the PA the chair or an influential member of a relevant policy or fiscal committee?
3. What is the PA’s relationship with members of all 4 caucuses and the Governor / Administration?
4. Does protocol require offering the bill to a particular PA?
5. How much does the subject matter / issue matter to the PA?
6. How will the issue play in the PA’s district?
7. Who is the staff person in the PA’s office to whom the bill will be assigned?
8. What knowledge does the PA have of the subject matter? This is a complex consideration: a little knowledge can be more dangerous than none, etc.
9. How do you rate the PA’s ability to present this bill in committee and on the floor?
10. Will the PA treat this as “his or her bill” or “your bill”? *i.e.*, how much input will you be allowed to have into decisions such as whether to accept amendments, etc?
11. How important is the bill to you? It may not be important enough to use up a chit with a powerful author who you want to save for heavy lifting.
12. Similar to #11 in terms of the need for a powerful author: how difficult will this bill be to pass?
13. Can you use the experience with this bill to build a relationship with or to educate an up and comer?
14. What is the PA’s relationship with affected interest groups and other entities?
15. How compatible is your working style with the working style of the PA and his her staff?

Let's take a look at the rationale behind a few of the key items on this list:

4. A particular legislator, who may have established pre-eminence in a particular subject matter area, may be in a position to cause problems for your bill if not paid proper deference by being given the “right of first refusal” on a bill in that area.
5. Your bill is important to you. Don’t presume it will be of equal importance to every potential author.
7. This is crucial and can have as much to do with the ultimate success of your bill as any any other factor on this list. In considering PAs, make sure you approach one who will assign the bill to a high quality staffer.
10. You are the sponsor, but only a legislator can introduce a bill. As the author, the legislator’s name is on the bill and it is appropriate for him or her to treat the bill as their own. It is important to seek an author who will allow you the degree of input into decision-making that you are comfortable with.
11. There are obvious advantages to having an influential, powerful author but not all bills require “heavy lifting” by the author. You don’t want to waste your ability to get a “powerhouse” to carry a bill for you on one where their influence is overkill.
13. With the rapid turnover pursuant to term limits, it can be a wise investment to seek a relatively new legislator (even a rookie) to carry your bill and use the experience to develop a working relationship that will pay dividends in the future and which can also serve to educate him or her on the subject matter.
14. Often the success of your bill will depend on the positions taken by influential interests. Be sure to consider the PA’s relationship with all affected entities in your decision-making process.

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