

IL NET

an ILRU/NCIL National Training and Technical Assistance Project

Expanding the Power of the Independent Living Movement

INSIDE POLICY: AN ADVANCED TRAINING FOR THE NEXT GENERATION OF EXPERTS

A National Conference

Participant's Manual

August 30 - September 2, 2005

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Inside Policy: An Advanced Training for the Next Generation of Experts

Harrisburg, PA

August 30 - September 2, 2005

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Agenda

August 30, 2005

7:00 pm – 8:30 pm Reception

August 31, 2005

8:30 am	Continental Breakfast
9:00 am	Welcome and Introductions
9:30 am	Process for Week/Assignments
10:00 am	Issue
10:30 am	Break
10:45 am	Developing Legislation
12:00 pm	Lunch
1:30 pm	Senate & House Division
3:00 pm	Break
3:15 pm	Inside Policy: How to Make Intent Match Legislative Language
4:30 pm	Senate & House Division
5:00 pm	Recess

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Agenda (continued)

September 1, 2005

8:30 am	Continental Breakfast
9:00 am	Hearings & Testimony
9:45 am	Inside Policy: Using the Process To Your Advantage
10:45 am	Break
11:00 am	Senate & House Division
12:00 pm	Group De-Briefing
12:30 pm	Lunch
2:00 pm	Senate & House Division
3:00 pm	Floor Action
3:30 pm	Break
3:45 pm	Negotiation
4:30 pm	Conference Committee Process
5:00 pm	Recess

September 2, 2005

8:30 am	Continental Breakfast
9:00 am	Inside Policy: Negotiations and Moving Policy
10:15 am	Break
10:30 am	Conference Committee
11:30 am	Debriefing
12:00 pm	Lunch
1:30 pm	Wrap-up on Bill
3:00 pm	Closing Remarks
3:30 pm	Adjourn

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About Your Trainers...

Corey L. Rowley joined the PA SILC in November of 2003 as the Director of Public Policy. She spent her first year developing the position and the policy staff and is now engaged in legislative efforts. Ms. Rowley has authored and negotiated successful legislation at both the state and national level. Corey is a longtime board member for the National Council on Independent Living. In the 1998 elections, Corey ran for a seat in the Utah State Senate.

As a woman with a disability she has been active in the disability community for 13 years. Corey relocated from Utah where she worked as the Executive Director of the SILC. Prior to that she worked in a Center for Independent Living. That is where she acquired her value and understanding of the Independent Living Philosophy.

Corey Rowley

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Bob Michaels has worked in the field of disability since 1972. Initially, Bob developed and implemented programs in mental health and developmental disabilities. Since 1984, he has worked in independent living as a center director, consultant and trainer. He provides considerable training and technical assistance to the field, oversees research efforts on CILs and SILCs, writing articles and briefs on a variety of related topics. Since 1995, Bob has served on the AZ SILC and worked as a private consultant and trainer from his home in Tempe, AZ.

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ABOUT ILRU

The Independent Living Research Utilization (ILRU) Program was established in 1977 to serve as a national center for information, training, research, and technical assistance for independent living. In the mid-1980's, it began conducting management training programs for executive directors and middle managers of independent living centers in the U.S.

ILRU has developed an extensive set of resource materials on various aspects of independent living, including a comprehensive directory of programs providing independent living services in the U.S. and Canada.

ILRU is a program of TIRR, a nationally recognized, free-standing rehabilitation facility for persons with physical disabilities. TIRR is part of TIRR Systems, a not-for-profit corporation dedicated to providing a continuum of services to individuals with disabilities. Since 1959, TIRR has provided patient care, education, and research to promote the integration of people with physical and cognitive disabilities into all aspects of community living.

ABOUT NCIL

Founded in 1982, the National Council on Independent Living is a membership organization representing independent living centers and individuals with disabilities. NCIL has been instrumental in efforts to standardize requirements for consumer control in management and delivery of services provided through federally-funded independent living centers.

Until 1992, NCIL's efforts to foster consumer control and direction in independent living services through changes in federal legislation and regulations were coordinated through an extensive network and involvement of volunteers from independent living centers and other organizations around the country. Since 1992, NCIL has had a national office in Arlington, Virginia, just minutes by subway or car from the major centers of government in Washington, D.C. While NCIL continues to rely on the commitment and dedication of volunteers from around the country, the establishment of a national office with staff and other resources has strengthened its capacity to serve as the voice for independent living in matters of critical importance in eliminating discrimination and unequal treatment based on disability.

Today, NCIL is a strong voice for independent living in our nation's capital. With your participation, NCIL can deliver the message of independent living to even more people who are charged with the important responsibility of making laws and creating programs designed to assure equal rights for all.

ABOUT THE IL NET

This training program is sponsored by the IL NET, a collaborative project of the Independent Living Research Utilization (ILRU) of Houston and the National Council on Independent Living (NCIL).

The IL NET is a national training and technical assistance project working to strengthen the independent living movement by supporting Centers for Independent Living (CILs) and Statewide Independent Living Councils (SILCs).

IL NET activities include workshops, national teleconferences, technical assistance, on-line information, training materials, fact sheets, and other resource materials on operating, managing, and evaluating centers and SILCs.

The mission of the IL NET is to assist in building strong and effective CILs and SILCs which are led and staffed by people who practice the independent living philosophy.

The IL NET operates with these objectives:

- Assist CILs and SILCs in managing effective organizations by providing a continuum of information, training, and technical assistance.
- Assist CILs and SILCs to become strong community advocates/change agents by providing a continuum of information, training, and technical assistance.
- Assist CILs and SILCs to develop strong, consumer-responsive services by providing a continuum of information, training, and technical assistance.

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Learning Objectives

Participants will learn:

- The 4 elements of a bill
- How to read, write and analyze Legislation
- How to write and provide Testimony
- How to understand Parliamentary Procedure and use it to your advantage
- How to create materials for advocacy that support legislation
- How political realities affect policy decisions
- Critical thinking skills for legislative strategy
- Skills used in successful negotiation
- Legislative Process
- How to learn from what other policy specialists have done

Participants will experience:

- Face to face conversations with policymakers
- Role-playing as a member of a legislature to enact legislation
- Developing and writing a piece of legislation
- The art of negotiating

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Section 1: Concepts for Training

Part I: Introduction to the Issue

STATEMENT FROM THE GOVERNOR ON THE FEDERAL “SAVE THE FORESTS ACT OF 2005”

On March 17, 2005 President Bush signed into law the Save the Forests Act of 2005. This law, which takes effect on October 1 of this year, gives states considerable jurisdiction over our national forests.

Twenty percent of this state is covered by national forest, and the SFA grants states significant latitude in setting policies on conservation, logging, expedited vegetation treatments, timber sales, hazardous fuel reduction, mining for natural resources, and road construction. The Administration welcomes any attempt by the federal government to place greater authority for management of our resources in the hands of the states.

The Save the Forests Act requires that each state interested in assuming oversight of the forests pass complementary legislation that guides the Administration. The Governor calls upon the legislature to act expeditiously in preparing legislation that the Governor will sign into law.

Forestry Issues Resources

American Recreation Coalition <http://www.funoutdoors.com/>

Center for the Defense of Free Enterprise <http://www.cdfc.org/>

Conservation with Common Sense <http://www.cwcs.org/>

Ending Timber Sales On National Forests: The Facts
<http://illinois.sierraclub.org/PiasaPalisades/ending.htm>

Environmental News Network <http://www.enn.com/>

Fires and Fuels
<http://www.fs.fed.us/projects/four-threats/facts/fire-fuels.shtml>

Forest Service at a Glance
http://www.fs.fed.us/plan/par/2003/final/html/fs_glance/roadmap.shtml

Getting Burned by the Timber Industry
<http://indiana.sierraclub.org/Sierran/02-4/forest.asp>

Growing Outdoor Recreation <http://www.fs.fed.us/projects/four-threats/facts/unmanaged-recreation.shtml>

Healthy Forests Initiative <http://www.healthyforests.gov/>

Invasive Species Program <http://www.fs.fed.us/invasivespecies/index.shtml>

Loss of Open Space
<http://www.fs.fed.us/projects/four-threats/facts/open-space.shtml>

Off-Highway Vehicle Program
<http://www.fs.fed.us/recreation/programs/ohv/>

Roadless Area Conservation <http://roadless.fs.fed.us/>

Sierra Club <http://www.sierraclub.org/>

USDA Forest Service <http://www.fs.fed.us/>

Part II: Components of a Fact Sheet

Overview: Components of a Fact Sheet

A fact sheet is a short one-page document that makes the case for support of your issue. The goal of a fact sheet is to enlist the backing of policymakers and advocates to join in solving the problem. Policymakers include state agency representatives, elected officials, appointed officials, staff members, and anyone else who has the power to impact the issue.

A fact sheet is an educational tool that can stand alone or be used as a reference during discussions on the issue. The author(s) of the fact sheet should be those with the best understanding of the issue and the facts supporting your position. Fact sheets that are precise and easy to understand are often duplicated and widely distributed by supporters of the issue and policymakers who are seriously considering supporting your cause. Therefore, never state anything on a fact sheet that cannot be confirmed and assume that the content will be read by your opposition, if there is any.

Title

The title should reflect the target program and intent of this specific advocacy effort. If the initiative is a funding request, both the entity that will receive the funds and the source of the funds should be named to reduce the need for research by the policymaker. If the funds are going to flow to another program, list that program, as well. Finally, the year of the request and the entity/event making the allocation should be listed.

Example of funding request:

Community Integration Program
Utah State Office of Rehabilitation
Independent Living Request
2004 Utah State Legislative Session

Example of request for the support of legislation:

Nurse Practice Act Amendments (SB 252)
2003 Utah State Legislative Session

Background

The Background section describes the problem that is being considered. It also is a place to describe methods that have been used in the past to try to resolve the issue. If there has been legislative support in the past, use this section to build on that support.

Describe how people with disabilities have been adversely affected under the current policy or funding amount. This section should also contain the process used to arrive at the solution. For instance, was a needs assessment, round table or study of existing data used to develop the solution? Add legitimacy to the request by citing research and studies in the background section.

Use statements that help build the case and allow the policymaker to transition smoothly with a good understanding of the problem to the solution/request section.

Example statement. This would be a portion of the section.

The 2000 Census shows that the population of Kane, Juab, and Wasatch Counties has grown by 8% in the last 10 years. Despite growth, the Housing Assistance Program (HAP) funding has remained flat for that same period of time.

Request/Solution

Use this section to lie out the solution. Don't try to make the case or talk anyone into the solution. This should be the place a policymaker looks when they want the bottom line. What is needed to resolve the problem and nothing else.

Example of a funding request:

\$300,000

These funds will be used to create a new Center for Independent Living (CIL) in Ogden, Utah. This CIL will serve three counties. The funding will be allocated to the Utah State Office of Rehabilitation and then made available to a non-profit organization.

Example of request for the support of legislation:

Modify the Nurse Practice Act to include the following language in Section three. A person who resides in his/her own residence has the authority to direct his or her own care.

Justification

The Justification should contain reasons to support the request. This is your opportunity to clearly state the positive outcomes that will be realized as a result of support for your issue. Convince the reader that, by supporting your initiative, they will be selecting both the correct approach and solution to the problem.

Example: This would be a portion of the section.

People with disabilities access community-based services at Centers for Independent Living (CILs) daily. Staff at the CILs provides support to people with disabilities who are seeking accessible housing. Providing funds for the CIL to administer the Housing Assistance Project (HAP) at the local level is a natural fit.

Action/Contact Information

It is important to give the reader a way to act. It may be done by providing the name of a single contact person or an entire office, depending on your strategy and resources. If you are recommending that readers take a simple, precise course of action, state exactly what you would like them to do.

Example of Contact only:

Please contact Jane Doe at 555.1212 with your response to this issue or for further information.

Example of request for action:

Co-sponsors are needed for HB35. Please contact Jane Doe at 555.1212 to co-sponsor or register support for this issue.

Example of a Fact Sheet (I)

ASSISTIVE TECHNOLOGY ACCESS CENTERS

FY96-97 Legislative Building Block Request

Assistive Technology Access Centers

Assistive Technology (AT) Access Centers were established with a combination of state and federal funds by the Utah State Office of Rehabilitation and Centers for Independent Living to identify gaps in the delivery system of assistive technology. These Centers have been in operation in the rural areas of the state for the past six years. These Centers are staffed by professionals knowledgeable about assistive technology and the impact devices can have on the lives of individuals with disabilities. **In FY94, 464 individuals received one or more of the following services through AT Access Center Coordinators:**

- Job and home site evaluation and modification
- Computer access evaluation
- Environmental control systems evaluation and installation
- AT related training
- Seating and positioning evaluations
- Vehicle evaluations and driving assessments
- Design and fabrication
- AT information and referral

Amount of the Request

\$174,000.00

Description of Request

The Utah Assistive Technology Program, utilizing a federal grant, established the Access Centers for the purpose of creating systems that will exist long after the grant has been phased out. \$174,000 is needed to continue the provision of these services to Vocational Rehabilitation, Independent Living and other consumers. The request includes the funding necessary to continue contracted services with Independent Living Centers in Logan and Price. It will also allow an increase of one AT Access Coordinator along the Wasatch front.

Justification of Request

It has been proven that the acquisition of assistive technology can improve the lives of people with disabilities, expand employment opportunities, and save money in the long run. AT Access Coordinators provide a vital link for consumers and the agency staff they work with to gain access to the information needed to make decisions concerning the adaptations under consideration. Without funding support, this program will be reduced or eliminated with limited access centralized in the Salt Lake area.

Example of a Fact Sheet (II)

Promoting Independence

This is a plan to expand opportunities for independence and community services to individuals living in nursing homes.

- Individuals are informed of their program options and make choices among affordable services and supports
- No funds will be expended for alternate care where cost per day exceeds the average patients nursing facility rate.
- Services and supports should be built around a shared responsibility among state and local government, the private sector, family, and community based organizations, including faith-based organizations.

Programs should foster hope, dignity, and respect for the individual.

This plan compliments programs currently offered, increasing choice and allowing use of programs such as Flexcare when they remain cost neutral.

For Further Information Please Contact
Legislative Coalition for People with Disabilities
Health Care Committee
Tina Johnson, Chair - 801-566-5075 or 232-6912
Kris Fawson - 241-1066
Barbara Toomer, Disabled Rights Action Committee - 685-8214

Example of a Fact Sheet (III)

Utah State Office of Rehabilitation Independent Living Building Block Request 2000 Legislative Session

Funding Request

\$300,000.00

Background

Independent Living in Utah provides services through four Centers for Independent Living (CILs) and three satellite offices. The state is currently divided into four sections. Services are provided by the CIL in that area. The number of people served throughout the state has tripled in the last seven years and has now topped 4,000. In order to provide equitable services throughout Utah, additional options are required to access Independent Living in the underserved areas.

Recommendation

In order to provide services more thoroughly throughout the state, a recommendation is being made to create two new service areas. The Independent Living Center's to serve those areas will be located in Utah County and Ogden.

Justification

The funding will be used to support Independent Living in Utah, which offers opportunities for people with disabilities in the following areas:

- Peer Support
- Independent Living Skill Training
- Advocacy
- Information and Referral
- Community Integration and Recreation
- Assistive Technology
- Housing
- Transportation

These services have assisted people in Utah with disabilities as they have worked toward independence. **Over 4,000 people with disabilities were served in FY 98.** Although the number of people served has grown at a rapid pace, there remain numerous people throughout Utah that are unable to access Independent Living. Funding from this request will begin to address the areas of the state that remain underserved.

For further information please contact Corey L. Rowley at 801.463.1592

Example of a Fact Sheet (IV)

Tripartisan Provisions Consistent with Administration's Goals

The tripartisan package embraces and supports the Administration's goal of moving families to self-sufficiency, as well as of promoting child well-being. In doing so, we recognize that childcare is essential for parents who are working. Therefore, we will ensure that, at a minimum, the Child Care Development Fund has all necessary funding to meet any new work participation rates.

Universal Engagement We support the President's proposal to leave no one behind in the effort to get everyone engaged in meaningful work activities leading to self-sufficiency. We believe that Universal Engagement is an integral element to addressing the President's priorities relative to child well-being. Therefore, we insist that in preparing an expanded Individual Responsibility Plan for EVERY family receiving assistance, states must include an analysis of child well-being.

Marriage President Bush recognizes that an important way to improve child well-being is through the encouragement of healthy marriages. We support the President's plan to allow states to adopt policies that help children by assisting their parents gain the social skills needed to maintain a healthy family.

Strengthening Work President Bush provided direction in focusing the welfare reauthorization debate on strengthening work for welfare recipients. We agree that more people should be engaged in meaningful work activities and that there should be a measure in place to encourage states to work with clients to get them into good, high paying jobs. Therefore, we agree to replace the current caseload reduction credit with a more realistic employment credit and to support the President's proposal to raise the work participation rate to 70%.

Raising the work requirement We agree with President Bush that individuals engaged in work should be moving toward full time employment. Therefore, we adopt the President's recommendation that individuals receiving assistance should increase their actual work from 20 hours to 24 hours. In order to promote child well-being, we maintain current law for moms with kids under six. We do not change the current ability of states to require that individuals receiving assistance work a full 40-hour week. Consistent with the President's universal engagement proposal, we tie individual participation in education and training activities to each participant's "Individual Responsibility Plan."

Spending Flexibility and Accountability We adopt the President's suggestions to clarify the definition of "assistance"; allow state designation of "Rainy Day Funds"; and increase state flexibility regarding carried-over funds. We also agree with the President that we need better data to measure program performance, and therefore adopt his suggestion that HHS research performance measures and promulgate "best practice" standards on the most appropriate procedures for sanctions. We also agree to make states accountable to the public by posting program information on their websites.

Example of a Fact Sheet (V)

Legislative Coalition for People with Disabilities - Fact Sheet **MEDICAID WORK INCENTIVE (MWI) Program** *Road to Sufficiency*

The Utah Legislature started the MWI program in July 2001 to encourage people with disabilities to work. A commitment was made to people with disabilities that, if they took steps toward work and self sufficiency, the State of Utah would help them transition to full employment by providing health coverage through the MWI program. The promise made to people who try to work despite their disabilities has been *seriously undermined* by the recent budget cuts. A premium increase in July 2002 means that recipients must pay between 30% and 55% of their income. The program is not much of a work incentive. Instead, it is the only way to obtain health coverage for those who are desperately in need of health care.

- o In July 2002 the MWI program was cut from \$500,000 to **\$100,000** (annual state funds) which resulted in a substantial premium increase for participants.
 - o Recipients who were on the program before July, saw their premiums increase from 20% of their income to between 30 **and** 55% depending on their income level.
 - o MWI allows people to keep their Medicaid until they can get coverage through an employer. MWI supplements private insurance in many cases.
 - o It is for people with disabilities who work and whose total household income is below 250% of poverty (\$ 1,846 for a single person).
 - o Without the MWI program, people with disabilities who work have to pay a large spenddown to continue their Medicaid. MWI premiums are lower than a spenddown would be.
 - o The premium increases that took effect July 1, 2002, has had a devastating effect on people who are trying to maintain their Medicaid coverage and work. The maximum premium level is 55% of a person's countable income. A person whose net income is \$2,000 per month is paying \$ 1,100 just for health insurance.
-

Part III: Examples of Talking Points

Example of Talking Points (I)

American Conservation Club

Talking Points

The American Conservation Club (ACC) was organized to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environment.

The ACC is committed to working in partnership with the Executive and Legislative branches of this state to enact legislation that will implement the Save the Forests Act.

We are dedicated to passing legislation that address the following concerns.

- Protecting the water quality of streams and lakes and conserving our remaining wetlands
- Unnecessary subsidizing of commercial logging and logging roads for the benefit of the timber industry
- Replanting of native forests in areas converted to non-natural vegetative cover, stabilizing eroded slopes and damaged soils to prevent and reduce erosion and restoring damaged fish and wildlife habitat
- Reliance on the best scientific and technical data for restoring damaged forest lands
- Discouraging the construction of roads, resulting in air pollution and an increase in a wide range of health risks both to our forests and to our community
- Safeguarding our drinking water and wildlife habitats
- Restoring the benefits and natural functions of our lands and forests
- Protecting our communities from forest fires

For more information contact John Doe at (123) 456-9876.

111 Main Street Capital City, US 11111 www.acc.org

Example of Talking Points (II)

Conservation with Common Sense

Talking Points

CCS supports any effort to place greater authority for management of our resources in the hands of the states. Any legislation must:

- ❑ Define **Forest Health**
- ❑ Recognize **controlled fire** is a useful tool in managing forests
- ❑ Assure that there is a **healthy watershed**
- ❑ Study the **economic impact** on local communities
- ❑ Define **community** to include the people who live and use the forest
- ❑ Limit the definition of **Rare Natural Resources** that must be protected
- ❑ Assure that there is full funding of a **timber harvesting program**
- ❑ Include acknowledgement of the numerous **state cultivated areas** within the national forests for future timber sources
- ❑ Make all forests available for **recreational use**
- ❑ Allow for the construction of additional **access roads**
- ❑ Remove restrictions on **ATVs and snowmobiles**

Conservationists with Common Sense (CWCS) is a true grassroots organization! CWCS is a 501c(3) non-profit educational organization established in 1989 to disseminate accurate information about public lands and environmental issues.

CWCS's Mission Statement is: To educate the public in order to preserve reasonable access to and sensible, multiple-use recreation of public lands and waters with care for the environment.

For more information, contact Conservation with Common Sense at (123) 456-7890 or (123) 987-6543 or by email info@ccs.org

Part IV: Components of Legislation

Overview: Main Components of Legislation

In legislation, there are 4 main components. There will often be an additional section or preface that describes the principles, values, and philosophy that drive the legislation. Other categories are possible at the discretion of the drafter; however, the areas that follow provide a template for successful legislation.

- Short Title
- Definitions
- Content
- Enforcement

Short Title

The Short Title is a brief summary of the bill. The wording used in the Short Title is important because this is often the only section that a majority of policymakers and the public will read. As a result, the merits of the bill may be decided based on this description.

Many bill authors who have little experience drafting legislation overlook the Short Title, spending all of their time developing the content section. The Short Title is then written by legislative bill drafters who don't share the same passion for the issue and cannot accurately define the intent of the legislation.

Use this space to minimize the technical aspects of the legislation, making it as simple as possible. Point out the aspects of the bill that match the philosophy and mood of the legislators, but at the same time, do not try to mislead the reader.

Definitions

Lawmaking is greatly influenced by how words and concepts used in a bill are defined. The careless choice of certain words and ideas may cause an otherwise brilliant piece of legislation from being considered. Therefore, be deliberate and thorough when defining the words and concepts used in your bill. Don't assume readers will be familiar with and understand your issues and intent.

In addition, if your bill becomes law, subsequent policymaking will not be based on intentions, but on what the legislation says and how it is interpreted.

Content

The Content section is often prepared simultaneously with the Definitions section. As a concept is developed, the drafters will want to discuss the intent of the bill, defining key words and phrases and making sure that the measures being proposed match their values and vision.

Writing legislation is not easy, but it can be very rewarding. The process of defining a problem and suggesting solutions is often tiresome and time-consuming—just the opposite of what advocates expect. The remedies for the problem often appear simple, yet when concepts are explored in the full context of this and related legislation, staying engaged becomes most difficult. When the solution to a problem amends an existing law, it is important to fully understand how the current law is impacted. It is not enough to understand the fix only.

If a concept in the legislation seems vague, then it is. Well-written legislation needs to be detailed enough to withstand the scrutiny of the court. Try to ensure that any court will understand the intent of your bill.

Enforcement

This section spells out how the legislation will be enforced. It is important that enforcement be detailed and appropriate—not so excessive that it seems unnecessarily harsh and not so mild that it fails to serve as a deterrent. If enforcement is not detailed, it may give policymakers an excuse not to implement the law. It is easier for them to say the legislation will have no effect because it is unenforceable than to come out against the community and fight the issue on its merits.

Work closely with the enforcement entity to draft this section. If there is buyoff as early as the drafting stage there will be more interest in enforcing it later. It is not uncommon for the entity to have similar responsibilities with other legislation. It is easier to complete this section with their background and expertise.

Remember to take into account the cost of enforcement. A bill that seemingly has no fiscal impact will be given a fiscal note due to the cost of enforcement. Talk this over with the proposed enforcement entity and make certain that terms are determined up front.

Example of New Legislation (I)

108th CONGRESS
1st Session
S. 1237

To amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living.

IN THE SENATE OF THE UNITED STATES

June 11, 2003

Mr. BENNETT (for himself, Mr. HATCH, Mr. CRAPO, Mr. CRAIG, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Independent Living Improvement Act of 2003'.

SEC. 2. STATE ALLOTMENTS FOR CENTERS FOR INDEPENDENT LIVING.

Section 721 of the Rehabilitation Act of 1973 (42 U.S.C. 796f) is amended by striking subsection (c) and inserting the following:

`(c) ALLOTMENTS TO STATES-

 `(1) DEFINITIONS- In this subsection:

 ` (A) ADDITIONAL APPROPRIATION- The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of--

 `(i) the amount reserved under subsection (b) for that fiscal year; and

 `(ii) the appropriation for fiscal year 2003.

 ` (B) APPROPRIATION- The term 'appropriation' means the amount appropriated to carry out this part.

`(C) BASE APPROPRIATION- The term `base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of--

`(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

`(ii) the appropriation for fiscal year 2003.

`(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION- After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2003 bears to the total amount that all States received under this subsection for fiscal year 2003.

`(3) ALLOTMENTS TO STATES ADDITIONAL APPROPRIATION- From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of--

`(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

`(B) 1/56 of 50 percent of the additional appropriation.

`(4) MAINTENANCE OF EFFORT-

`(A) IN GENERAL- The Commissioner shall not make a payment for the allotments described in this subsection to any State for a fiscal year unless the Commissioner--

`(i) determines that the State independent living expenditure for the first preceding fiscal year is not less than the State independent living expenditure for the second preceding fiscal year; or

`(ii) reduces the amount of the payment by the amount by which the State independent living expenditure for the second preceding fiscal year exceeds the State independent living expenditure for the first preceding fiscal year.

`(B) DEFINITION- In this subsection, the term `State independent living expenditure', used with respect to a fiscal year, means the total expenditure in the State of other Federal funds (other than funds made available to carry out this part), State funds, and local funds for that fiscal year to provide assistance for centers for independent living.'

SEC. 3. REPORT.

Section 704(m)(4)(D) of the Rehabilitation Act of 1973 (42 U.S.C. 795c(m)(4)(D)) is amended by inserting `, including reports indicating the manner in which and extent to which the State complied with the maintenance of effort requirement specified in section 721(c)(4)(A)(i)' before the semicolon.

Example of Amended Legislation (I)

Enrolled Copy S.B. 252

NURSE PRACTICE ACT EXEMPTION AMENDMENT

2003 GENERAL SESSION
STATE OF UTAH

Sponsor: Paula F. Julander

This act modifies the Nurse Practices Act. The act modifies the exemptions from licensure to permit a person who is self directing his own personal care in his private residence to employ a person to assist him in his care.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-31b-308, as last amended by Chapter 290, Laws of Utah 2002

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 58-31b-308 is amended to read:

58-31b-308. Exemptions from licensure or registration.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included within the definition of the practice of nursing, subject to the stated circumstances and limitations, without being licensed under this chapter:

(a) friends, family members, foster parents, or legal guardians of a patient performing gratuitous nursing care for the patient;

(b) persons providing care in a medical emergency;

(c) persons engaged in the practice of religious tenets of a church or religious denomination; and

(d) after July 1, 2000, a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensure Compact to the extent permitted by Section 58-31c-102.

(2) Notwithstanding Subsection (1)(d), the division may, in accordance with Section 58-31c-102, limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensing Compact.

(3) In addition to the exemptions from licensure under Section 58-1-307, the following individuals may engage in acts or practices included in the practice of a health care assistant,

S.B. 252 Enrolled Copy

within the stated limitations, without being registered under this chapter:

(a) an individual providing gratuitous care for another individual;

(b) a volunteer, whether or not he receives token compensation other than salary or wages:

(i) in programs sponsored or authorized by federal Public Law 93-113; or

(ii) at any regulated facility; and

(c) individuals providing:

(i) services generally considered independent living activities such as preparing meals, shopping for personal items or groceries, managing money, using the telephone, performing housekeeping, and other similar activities not involving direct personal assistance and care as the division may define by rule; and

- (ii) child day care or baby-sitting, whether or not the services are subject to licensure under Title 26, Chapter 39, Utah Child Care Licensing Act; [or]
- (d) an individual employed on an intermittent basis to provide a specified limited period of care for an adult or child with disabilities needing regular daily care, in order to allow the relative or other person who is the adult or child's regular and unpaid caretaker respite from his or her caregiver duties regarding the adult or child[.]; or
- (e) notwithstanding Subsection 58-31b-102(11) an individual employed by another person who is self directing his personal care in his private residence.

- 2

Example of Amended Legislation (II)

H.B. 76

1

TRUANCY AMENDMENTS

2

2003 GENERAL SESSION

3

STATE OF UTAH

4

Sponsor: Duane E. Bourdeaux

5 **This act clarifies a provision regarding parental response in truancy**
6 **situations.**

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9 **53A-11-101**, as last amended by Chapter 99, Laws of Utah 1999

10 *Be it enacted by the Legislature of the state of Utah:*

11 Section 1. Section **53A-11-101** is amended to read:

12 **53A-11-101. Responsibility for minor required to attend school --**
13 **Penalty for**
14 **violation.**

15 (1) For purposes of this part:

16 (a) "Habitual truant" is a school-age minor who has received more than
17 two truancy

18 citations within one school year from the school in which the minor is or
19 should be enrolled

20 and eight absences without a legitimate or valid excuse or who, in
21 defiance of efforts on the

22 part of school authorities to resolve a student's attendance problem as
23 required under Section

24 53A-11-103 , refuses to regularly attend school or any scheduled period
25 of the school day.

26 (b) "Minor" means a person under the age of 18 years.

27 (c) "Parent" includes:

28 (i) a custodial parent of the minor;

29 (ii) a legally appointed guardian of a minor; or

30 (iii) any other person purporting to exercise any authority over the
31 minor which could

32 be exercised by persons listed under Subsections (1)(c)(i) and (ii)
33 [above].

34 (d) "School-age minor" means a minor who has reached the age of six
35 years but has not

36 reached the age of ~~eighteen~~ 18 years, but does not include a minor
emancipated by marriage.

27 (e) "Truancy citation" is an administrative notice to a truant minor
requiring an

28 appearance before the school truancy control officer or body from which
the minor is truant.

29 (f) "Truant minor" is any school-age minor who is subject to the state's
compulsory
30 education law and who is absent from school without a legitimate or valid
excuse.

31 (2) A parent shall enroll and send a school-age minor to a public or
regularly

32 established private school during the school year of the district in which
the minor resides.

33 (3) It is a class B misdemeanor for a parent to knowingly:

34 (a) fail to enroll a school-age minor in school; or

35 (b) refuse to [~~respond~~] cooperate with school authorities in response to
a written

36 request which is delivered to the parent pursuant to the provisions of
Subsection

37 53A-11-103 (1)(b) by a local school board or school district.

38 (4) For the purposes of this section, "cooperate with school authorities"
means to take

39 reasonable steps to work with school authorities to resolve a minor's
truancy by either meeting

40 with school officials to discuss the issue or by providing the school with
information to enable

41 the school to work with the student to resolve a truancy problem. It does
not, however, require

42 that the parent agree with the school's assessment.

43 [~~(4)~~] (5) The provisions of this section do not apply to a parent of a
school-age minor

44 who has been declared by the local school board to be exempt from
school attendance in

45 conformity with Section 53A-11-102 .

46 [~~(5)~~] (6) A local board of education or school district shall report
violations of

47 Subsection (3) to the appropriate city, county, or district attorney.

Legislative Review Note as of 10-18-02 10:22 AM

A limited legal review of this legislation raises no obvious constitutional or statutory
concerns.

Office of Legislative Research and General Counsel

Example of Appropriations Legislation (I)

Enrolled Copy

S.B. 123

APPROPRIATION FOR ASSISTIVE TECHNOLOGY DEVICES AND SERVICES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Nathan C. Tanner

AN ACT RELATING TO PERSONS WITH DISABILITIES; PROVIDING A \$400,000 APPROPRIATION TO THE STATE OFFICE OF REHABILITATION TO PURCHASE ASSISTIVE TECHNOLOGY DEVICES AND SERVICES; MAKING CERTAIN TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-24-100.5, as enacted by Chapter 305, Laws of Utah 1996

ENACTS:

53A-24-110.7, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53A-24-110.5 is amended to read:

53A-24-119.5. Assistive Technology Advisory Council --Membership-- Duties.

(1) The State Board of Education, through the State Office of Rehabilitation, shall utilize the Rehabilitation Services Advisory Committee as an advisory council for the Center for Assistive Technology, an interagency service unit which assists Utahns with disabilities.

(2) The council shall advise and make recommendations to the executive director of the State Office of Rehabilitation on the programs and administration of the center that would:

- (a) be interagency in nature;
- (b) address the needs of all people with disabilities; and
- (c) be consumer responsive.

From the Uniform School Fund for fiscal year 1996-97, \$120,000 to the State Board of Education to be distributed to the State Office of Rehabilitation for base budget funding for the Center.

Example of Intent Language (I)

CIL Cost of Living Intent Language

It is the intent of the legislature that in future fiscal years, beginning with FY 2001, the Legislative Fiscal Analyst include funding recommendations for a compensation package for Independent Living staff that is similar to the compensation package being recommended for state employees.

Example of Intent Language (II)

The National Council on Independent Living (NCIL) has requested that the formula for the distribution of funds for Title VII Part C of the Rehabilitation Act be amended as follows:

It is the intent of the Labor, HHS and Education Appropriation Subcommittee that the Rehabilitation Services Administration, Independent Living Services Program of the US Department of Education, Office of Special Education and Rehabilitative Services, distribute additional center for independent living funds in the following way

after October 1, 2002:

A) 50% of the total of all newly appropriated funds will be distributed equitably among the states and territories.

B) the remaining 50% of the total of all newly appropriated funds shall be divided among the states in an amount bearing the same ratio as the population of the state bears to the population of all states.

C) Receipt of all funds from this Part shall be contingent upon the continuation of funding by the states equal to or exceeding the previous year's level.

There has been considerable discussion about the relative merits of including this language as part of the appropriation bills, or amending the authorizing legislation through a technical amendment. NCIL would prefer the latter, but will work with you regardless. A copy of this language has been sent to the authorizing committees in the House and Senate.

We appreciate your willingness to assist us in our efforts.

Inside Policy Discussion Questions: Drafting Legislation

1. What is the value of the sponsor or group preparing draft legislation before the legislative drafting office is involved?
2. What are the items most neglected when legislation is written?
3. How closely do drafters work in getting the bill's fiscal note attached?
4. Can the sponsor or group affect the fiscal note?

Part V: Components of Testimony and Communication

Overview: Providing Testimony

Why do legislative bodies hear testimony?

1. To inform the public about issues or to get the information they need in helping to draft laws
2. To find out whether or not a law is needed
3. "Window dressing" for decisions that have already been made.

Why give testimony?

1. Requires your organization to develop a comprehensive statement of its position
2. Establishes your organization as an authority in the eyes of the legislature
3. Provides useful quotations for speeches and publications
4. Sends a signal to the legislators that your organization is interested

How do you give testimony?

1. Keep your statement brief.
2. Provide a short summary (Will ensure that your main points will be noted.) Most legislative bodies have format requirements for testimony, including the number of copies you should have and when they should be delivered to the committee. Contact the clerk of the legislative body you will be testifying before to receive these instructions.)
3. Select a member with expertise on the subject being discussed to give the testimony (If possible, plant questions with friendly committee members so that you can get those questions and your answers on the public record.)
4. Always be courteous to a hostile legislator and make a special point of trying to see him or her later or follow up your testimony with a letter that deals specifically with the issues he or she has raised.
5. Let other groups who favor your position sign onto your testimony if they are not planning to testify separately.

Common protocol when giving testimony

- Know when and where your bill will be heard.
- Plan your testimony.
- Prepare your testimony in writing for distribution to committee members.
- Be on time.
- Sign your name when you arrive and indicate whether you intend to testify.
- Address all testimony and all committee discussion through the Chairman.
- Begin your testimony by addressing the Chairman and committee members. State your name, address, and why you are there. For example: "Mr. (or Madam) Chairman, members of the Committee, my name is Pat Q. Public and I'm from... I am/am not in favor of this bill because...."
- Be courteous and brief in your language and address.
- Try not to repeat testimony offered by previous witnesses.
- Be prepared to answer questions.
- Do not be nervous, as there is no right or wrong way to testify.
- Do not applaud.
 - Do not be offended if legislators come and go during a meeting.

Example of Testimony (I)

Testimony of Mr. Kelly J. Buckland

Member
Governing Board
National Council on Independent Living
1916 Wilson Boulevard, Suite 209
Arlington, VA 22201

United States House of Representatives
Committee on Appropriations
Subcommittee on Labor, Health and Human Services,
Education and Related Services
May 14, 2003
9:00 AM

Room 2358
Rayburn House Office Building

2004 Appropriation's Request
for
Title VII, Part of the Rehabilitation Act of 1973 as amended
\$25,000,000

Good afternoon Mr. Chairman and Members of the Committee.

My name is Kelly Buckland and I would like to start today by thanking you for this committee's commitment to independent living in the last three year's appropriations.

Today, I have the honor of appearing before this distinguished committee to again, request that you increase your commitment to independent living. You can do this by increasing funding for Centers for Independent Living (CIL) by \$25 million in fiscal year 2004. I am not making this request as the director of a CIL that might benefit from such an appropriation. Instead, I am presenting this testimony as the Vice President of the National Council on Independent Living, as the executive director of the Idaho State Independent Living Council and as a person committed to increasing the availability of these valuable and highly cost effective services for people with disabilities.

Centers are non-profit, non-residential corporations which are administered, staffed, and managed by people with disabilities. In 2000, almost 70% of the staff of centers were people with disabilities. When we say consumer directed, we mean it. Additionally, 25% of center staff were from multicultural communities.

In 2002, there were 368 centers for independent living, with more than 207 satellite locations. Of these, 265 centers and 44 satellites are funded with dollars authorized through Title VII of the Rehabilitation Act.

I will be using figures from fiscal year (FY) 2000 in today's testimony. We had hoped to present to the committee today center for independent living statistics from FY 2001. However, the Rehabilitation Services Administration (RSA) did not make those figures available to us prior to the submission of this testimony. This lack of data is just one of the many problems the independent living community continues to have with RSA. Although NCIL makes several suggestions in its position paper on the reauthorization of the Act that will help resolve problems within RSA, these recommendations will have no effect if RSA displays an alarming disregard for the direction set out by Congress in the Rehabilitation Act of 1973 as amended.

CENTERS FOR INDEPENDENT LIVING HAVE BEEN VERY SUCCESSFUL

A centers primary function is to provide opportunities and services that assist people with disabilities to live more independently. According to the FY 2000 Department of Education data, CIL's responded to 480,591 requests for information and referral, provided over 54,000 individuals with peer counseling services; 36,600 people received assistance finding housing; 36,000 attained transportation services; over 59,800 individuals received independent living skills training and 85,500 people acquired personal assistance services.

Centers also provide systems change activities that resulted in sweeping improvements in the number of opportunities and services people with disabilities are able to access in their communities.

An independent study of Centers for Independent Living, commissioned by the Rehabilitation Services Administration (RSA), completed in October of 2002 found that:

- 76% of the people with disabilities served by CIL's believed that their lives were better because of going to the center.
- 64% of the people served by CIL's were "very satisfied" with their experience with the CIL.
- 96% of the consumers who received independent living skills training said they gained knowledge or skills from that service.
- 94% of the consumers who received help making the transition from school to work also reported gaining skills and knowledge.
- 82% of the consumers who received independent living skills training said that the training made a change in their lives.
- 77% of those consumers who received personal assistance services said that the service made a change in their lives.
- 76% of those who received peer support services also said the service made a change in their lives.
- CIL consumers were better able to avail themselves of transportation services than their counterparts who did not have the benefit of CIL support.
- 77% said the staff person they saw most often "always" listened to their ideas and suggestions and 60 percent said they were "very satisfied" with the CIL's staff's efforts to help them reach their goal.
- Centers for Independent Living were serving members of minority groups at or above their proportion in the total population of persons with a significant disability.
- 71% of the consumers said the center gave them information about different options that would help them reach their independent living goal.
- Significant numbers of consumers are having problems receiving services from other agencies and are receiving individual advocacy services from CIL's.
- CILs serve consumers who tend to be poor, unemployed, and unmarried. 84% of CIL consumers between the ages of 25 and 64 had total household incomes below \$20,000 per year.
- Overall, respondents indicated that the services they received from CILs improved their self-perception, general independence, independent living skills, and their level of knowledge about other services and programs.
- 96% of consumers said they would refer a friend to the CIL. Of this 96 percent, 47 percent had already done so.

INVESTING IN CENTERS FOR INDEPENDENT LIVING MAKES SENSE

With the \$48 million dollars centers received in federal funding in 2000, they were able to attract an additional \$267 million through grants, contracts, state funds, and a variety of other creative and private funding sources. The percentage of Title VII funds as part of the gross revenue had dropped 2% and fee-for service had increased by 2% showing CIL's have diversified their funding. CIL's make the taxpayers' money work for consumers and society as a whole!

According to the 1998 State Data Book on Long Term Care Program and Market Characteristics, the average cost of nursing home services across the US is \$34,938/person/year. A 1999 report from the National Conference of State Legislatures found that the average cost for community-based services is \$14,902/person/year. In 2000 alone, as a result of Centers, almost 1,500 people were able to leave nursing homes and 19,000 were able to remain in our communities. This saved taxpayers over \$410 million in just one year.

Although the provision of vocational training and placement services are not traditionally among the core services of Centers, the provision of vocational supports has proved to be essential to successful work experiences. Critical support in the use of technology, in work site adaptation, removal of perverse disincentives, and transition through one-stop systems have turned people with disabilities into taxpayers. In 2001, Centers helped 16,000 persons receive employment services.

Compared to other programs assisting people to be more independent, centers are a bargain. Assistance from CIL's is provided at an average cost of \$2,233 per person in public dollars.

CONGRESS' COMMITMENT TO AND INVESTMENT IN IL MAKES A DIFFERENCE

For the last three years I have reported that despite your investment my home state of Idaho saw no increase in federal funding. Today I am pleased to report to you that after 13 years of no increase in federal funding, Idaho's CILs have received an increase of approximately \$35,500. This will provide the Idaho CIL's a much needed cost of living increase.

However, because of the way that the federal funds for independent living are currently distributed several states still did not receive an increase in federal funding and NCIL remains committed to changing the funding formula for distributing funds under Title VII of the Rehabilitation Act. We are suggesting that the formula be changed so that roughly half of any new funding is divided equally among the states and territories, and that the other half of new funding is allocated based on each state's percentage of the population. We understand that this will require an amendment to the Rehabilitation Act.

The following are some examples of how your increased investment, in centers for independent living have effected people with disabilities across the country over this past year.

In Ohio, Tri-County Center for Independent Living, which serves Stark, Summit and Portage counties, served 265 individuals with disabilities, including these three Stark County residents.

A 53 year-old woman with progressive multiple sclerosis and high blood pressure resides in her home but was at risk of nursing home placement. The Center installed a stair glide in her two-story home and coordinated in home services.

A 44 year-old woman with a brain aneurysm and left-side paralysis was at risk of nursing home placement. The Center installed a wheelchair ramp at her residence and made arrangements for her to get a wheelchair and home-based services.

The Center assisted a 48 year-old woman with cerebral palsy, multiple sclerosis, and leg amputation in getting a power wheelchair and made arrangements for installation of a wheelchair ramp and home-based services.

The Freedom Center has been serving people for 18 months. The center has already assisted over 400 people with disabilities to move toward independence. Fourteen (14) people with disabilities no longer live in nursing homes because of your investment in their work. Several of the Freedom Center staff including the director, Ms Jamey George, are here today to show their support and appreciation.

In Mississippi, the funding increases have assisted an array of people with significant disabilities to achieve their goals of living independently. They have been able to assist people with disabilities in obtaining Social Security Disability benefits and accessible housing, which prevented those people from being placed in institutions.

In Auburn California, Placer Independent Resource Services (PIRS) established a new fulltime position dedicated to systems advocacy. As a result they have participated in a coalition that developed input into the draft Olmstead implementation plan for California, and have provided testimony to the county planning commissions and city councils on accessible housing and universal design. They have also participated in a five-year National Institute on Disability Rehabilitation Research (NIDRR) funded research project on assistive technology.

Communities Actively Living Independent & Free (CALIF), a new center for independent living in central Los Angeles that has been featured in many Korean newspapers, has been working with the minority communities who have previously been underserved. As a result of CALIF the Korean business community, is gaining an increased appreciation for the Americans with Disabilities Act and several Korean markets have begun installing accessible parking spaces and other features that accommodate their customers with disabilities.

Access Center in San Diego was able to provide services to an additional 477 people with disabilities as a result of the increase in funding. They have developed a housing advocacy group and have supported existing housing efforts including the City of San Diego's recent emergency housing measures to assist with access and affordability.

New funding for CIL's in California also supported a new branch office of Community Access Center in Riverside County, California.

The Center for Disability Rights (CDR) in Rochester, NY, has started a project specifically designed to transition people out of nursing homes and back into the community. As a result, CDR has assisted 40 individuals in obtaining their freedom from institutional living. The center also, provides training and technical assistance to other centers for independent living on nursing facility transition and diversion.

A 55 year old woman that CDR helped to transition from a nursing home, back into the community stated: "I broke through the glass ceiling in two male-dominated industries and lived all over the country. After I was diagnosed with Multiple Sclerosis, I was told I owed it to my family and the community, as a person with a disability, to go into a nursing home because I was a burden to society. There, the government took away my money and I lost my freedom. Five months, ten days and two hours later, I reclaimed my life and moved back into the community."

Increases in funding enabled the Center for Independent Living for Western Wisconsin to dramatically increase services in the most rural counties served.

A 21-year-old man with a spinal cord injury who uses a wheelchair was isolated in his parents' inaccessible rural Polk County home. The center helped the family design and fund accessibility features that allowed the young man increased independence. Through the Center's innovative team based employment program, that same young man who once sat at home while his parents worked, is now enrolled at the University of Wisconsin-Stout with a clear vocational goal. Center services also allowed him to identify and fund assistive computer technology to participate in his degree program at the university.

In Pennsylvania, the Center for Independent Living of North Central Pennsylvania (CILNCP) provided home accessibility modifications to improve the quality of life for forty (40) families, giving them greater access to the community and preventing several individuals from being institutionalized. Also, CILNCP during this past year hired Robin Maines and Jennie Wolf, who are both former consumers of CILNCP. They are now working to empower other people with disabilities to live independently.

Florida has opened two new Centers. One is located in Panama City and the other in Lakeland. Both of these areas are rural and very underserved. Several other Centers have opened branch offices in the more rural parts of the state, which has increased the amount of services CILs are providing.

In Oklahoma, a 26 years old man with Spina Bifida, was a resident in a nursing home from 1996 until 2002 due to lack of services. The CIL assisted him in arranging the necessary services, and he now lives in his own home. He is only one of 384 Oklahomans who either left or were kept out of nursing homes because of CIL services.

PRESIDENT BUSH'S NEW FREEDOM INITIATIVE

President Bush, in his New Freedom Initiative, pointed out that there are more than 7.5 million Americans with disabilities receiving benefits under federal disability programs while 72 percent of adults with disabilities want to work. However, because of perverse disincentives in federal law, less than one percent of those receiving disability benefits enter the workforce.

On February 1, 2001, the President signed an Executive Order to support effective and swift implementation of "Ticket to Work". The Executive Order directs federal agencies to quickly execute the law giving Americans with disabilities the ability to choose their own support services and to maintain their health benefits when they return to work.

President Bush also acknowledges in the New Freedom Initiative that the Supreme Court's Olmstead decision that, "unjustified isolation is properly regarded as discrimination based on disability", has yet to be fully implemented, and that community-based care is critically important to promoting maximum independence and to integrating individuals with disabilities into community life.

President Bush also called for rapid realization of the Olmstead Decision. The Order supports the most integrated community-based settings for individuals with disabilities, pursuant to the Olmstead decision, and calls for the identification and removal of barriers to community placement.

The challenge, that still confronts us, is how best to address and obtain the opportunities and services outlined in the New Freedom Initiative. NCIL believes that CIL's have proven that they are uniquely qualified to meet these needs, but at this time still lack the nationwide infrastructure required to take on such a daunting task.

WHY DO WE NEED \$25 MILLION?

Today, the CIL network continues to reach less than one percent of all people with significant disabilities in the United States. Forty percent of our nation's counties receive no services.

CIL's are woefully under-funded. The average federally funded CIL receives approximately \$162,565. A national study of urban and rural centers conducted by Independent Living Research Utilization (ILRU) in Houston, found that the typical center needs \$250,000 to support basic day-today operations.

When asked what was the most significant barrier to achieving community change, 81% of center directors identified lack of organizational financial resources.

Because of the national recession, many states have been experiencing the worst budget shortfalls they have seen in decades. States have responded by implementing significant budget cuts. Many of them have threatened to cut their state funding commitment to centers for independent living by 50% to 100%! This makes your investment in independent living more important than ever.

Centers for independent living are a great bargain for America. They keep people active and involved in their communities and they save the taxpayer money. Funding centers for independent living makes "sense": Common Sense and Dollars and Cents.

Take the Initiative: Invest in Freedom

Example of Testimony (II)

**Testimony Presented to:
Congressman James M. Jeffords, Chair
Senate Committee on Labor and Human Resources**

Concerning
TECHNOLOGY-RELATED
ASSISTANCE FOR
INDIVIDUALS WITH DISABILITIES

**Respectfully submitted by:
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**Washington, D.C.
April 29, 1998
TESTIMONY TO THE
SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES**

ASSISTIVE TECHNOLOGY

Corey L. Rowley

Senator Jeffords, members of the Senate Committee on Labor and Human Resources, and friends, I appreciate the invitation to testify on the need for new assistive technology legislation. As chairperson of the National Council on Independent Living Assistive Technology Task Force, I have worked with people from around the country on issues related to assistive technology. As a Systems Advocacy Coordinator for an Independent Living Center, I have been active in the state of Utah on efforts related to assistive technology. I have had an opportunity to work with people with disabilities, advocates, agencies, service providers, and legislators to improve the assistive technology system in Utah. As a consumer, who has used assistive technology for a non-visible disability, I have had first-hand experience with the value and need for assistive technology devices.

I became involved in the national discussion about technology legislation when I approached the governing board of the National Council on Independent Living (NCIL) about the Tech Act. I was very surprised at their reaction. Although assistive technology is a critical issue for centers for independent living (CIL's), many centers were not working with their state tech projects. Members of the board were critical of the way things were happening in their states, even though the systems change focus of the Tech Act and the advocacy role of Independent Living created a natural partnership. This surprised me, because I have been closely involved in the efforts of the Utah Assistive Technology Program, and we were anxious to see these efforts continue.

The Utah Assistive Technology Program (UATP) funded by the Tech Act has been in existence for nine years. It has reached a point in our state that we are able to look back and evaluate some of the steps that we have taken to create permanent change in Utah's assistive technology system.

- The first factor that proved to be critical was that the project was not placed within a state agency. The Tech Act called for changes to be made in education, Medicaid, and Vocational Rehabilitation assistive technology policies. The effectiveness of the project and the ability to make those changes is compromised when you work within that system. In Utah's case, the tech project is in a University Affiliated Program which is independent of the state service system.

- Representation from each state agency that provided services to people with disabilities is required on the Management and Implementation (M & I) Board. In almost every situation, members are the directors of those agencies, not substitutes without decision-making authority. When the M&I board discusses a better way to get coverage for equipment from Medicaid, the Medicaid director is there to respond. The Utah Assistive Technology Program staff is staff to the Board, not to a service agency.

A Utah Assistive Technology Program Consumer Council was established. All Consumer Council members are people with disabilities or parent advocates. The consumers meet and identify the barriers surrounding Assistive technology in Utah. They report these issues to the M&I Board. The Board is required to respond in writing on activities undertaken in response to Consumer Council recommendations. The Consumer Council meets as an individual council and also as members of the M&I Board with equal voting rights. I should also point out that the bylaws of the M&I Board state that the Consumer Council has veto rights over any action of the Board.

- One of the most important elements of the Utah Project is that each initiative is required to be sustainable. This was done to ensure that as progress is made, it would continue, even if the Tech Act were to sunset. As each barrier was identified and worked on, the project kept in mind that it was a time-limited project. Not only did the project need to address the barrier, but plan how the solution would continue after UATP was gone. As a result, UATP sustainability activities focused on state funding,

policy changes, and state legislative changes. Tech Act dollars were spent on each initiative with the clear understanding that when continuing support was found, the UATP funds would cease. It is important to note that the responsibility for sustainability remained with UATP and was not passed on to the subcontractors.

In many instances around the country, a Tech Act project gives a contract to an assistive technology service entity with the expectation that when the contract ends, the entity will be able to sustain the change or maintain the program. While this may sound good, it has rarely worked out. Often, the entity does not have the capacity to find other resources to support it. Even though the subcontractor can be part of the answer, the responsibility to provide resources and coordination should be left with the Tech Act project.

- Hand in hand with sustainability are efforts to build capacity within existing programs. To build capacity, you have to utilize an ongoing community resource and enhance its capability to address assistive technology issues. As you change a program's AT capabilities, you integrate technology into the services that are already being provided. Now the person needing either a piece of equipment or an assistive technology service can go to an existing community service agency and obtain a variety of services, including assistive technology services.

In Utah, this happens in our centers for independent living. The Tech Act project and the Utah Office of Rehabilitation developed a system of Assistive Technology Coordinators. Each Coordinator conducts evaluations, educates consumers and navigates the state's complicated purchasing system. Contacts with consumers on assistive technology issues have emphasized the need to find funding to purchase devices when people were not eligible for other programs. Soon a legislative request was made for state dollars to buy assistive technology for consumers of independent living. That pot of state money has increased over the years and is now approximately \$800,000 annually.

Sustainability was achieved when the state legislature appropriated state funding to continue the Assistive Technology Coordinators. Now the AT Coordinators are completely funded by the state of Utah. It is important to remember that while centers for independent living were involved and part of this long-term solution, the responsibility to secure ongoing support stayed with UATP. After funding was acquired, the dollars that initiated the Independent Living AT Coordinator program were available to address other barriers identified by consumers. This method has been used several times in Utah.

- In another situation, the project worked with senior citizen centers to provide access to assistive devices and provide AT information for people who are older. Many of the devices they needed were low-tech and readily available. Most often, these people were not seeking help from disability-related organizations and it became obvious that the solution was to help the senior centers address this need.

States must realize that building up the tech project to be the answer to all assistive technology needs is not an effective long-term solution. Utah planned and carried out activities with a clear understanding that we were responsible to create system and policy changes that would be in place beyond the tech project itself. As you can see, the Tech Act has the capacity to bring additional funding, create and enhance policies, and empower people with disabilities. The need to continue a coordinated effort is clear.

The world of assistive technology is rapidly changing. As new communication devices, wheelchairs, transportation, communications technology, and others are developed, people with disabilities need access to these resources. Equally as important as the devices themselves are the policy changes that are taking place. Assistive technology is quickly becoming integrated into existing legislation, as it should be. Managed care has changed the way people access devices through their private insurance. These and other changes make a statewide, coordinated effort critical. Only

as people at the local level hold programs responsible will our laws be implemented as they were truly intended.

Even though the National Council on Independent Living has been critical of some of the practices of the tech projects, the governing board has concluded that there is a definite need for continued federal assistance to make assistive technology devices and services more accessible. It is NCIL's belief that technology-related legislation is vital and that NCIL needs to be a part of the efforts to improve legislation that will hold states accountable for outcomes.

We believes that in order to have legislation that will be successful in all states, this congress must consider technology-related legislation which includes the following points:

- The project must view itself as a coordinating entity rather than a service provider.
- The legislation must maintain a systems change component.
- Each initiative to build the assistive technology system capacity should be placed within an existing, ongoing service program.
- As changes are implemented, resources must be developed from sources other than the Tech Act program. This will ensure a permanent solution.

Strong federal technology-related legislation, coordination at the state level, and decisions being made locally by the people who need the services can create an assistive technology system second to none. I would like to thank you for the opportunity you have provided for me to emphasize the need for assistive technology legislation and would welcome any questions that you may have.

SUMMARY

FACTORS THAT HAVE CONTRIBUTED TO THE SUCCESS OF THE UTAH ASSISTIVE TECHNOLOGY PROGRAM

- Utah focused on three basic principles:
 1. Statewide systems change by pursuing state appropriations and legislation to ensure sustainability.
 2. Efforts were focused on building capacity in existing programs that were ongoing and established as a resource within their communities.
 3. The focus of the Tech Act was used to pursue additional funding from federal and state sources. For example, a federal grant was received to develop in-service training on AT. In another situation, a federal supplemental appropriation was received to develop a system that would expand rural access to AT.
- The Tech Act Program was not placed in a state agency.
- Representation from each state agency that provided services to people with disabilities was required as a member of the Management and Implementation (M&I) Board. Tech Project employees are staff to this Board.
- A Consumer Council was established. Members identified barriers related to assistive technology and made reports to the M&I Board. The consumers met as an individual council and also were members of the M&I Board with equal voting rights.
- Financial support was provided in order to develop a system that would alleviate a barrier that had been identified by the Consumer Council. After the capacity to change the problem had been built and ongoing support established, the funds were pulled back and used to start a new initiative.
- All activities were required to be sustainable. This requirement cannot be given to individual grantees. It must be an activity coordinated by the Tech Project.
- Consumer participation and responsiveness has been vital. Coordination with organizations that represent consumers and that are comprised of consumers has been a method in achieving this.

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Inside Policy Discussion Questions: Using the Process to your Advantage

Based on your experience as a legislator and the past chair of the Public Educations Appropriations sub-committee and the House Health and Human Services Standing Committee please comment on the following:

1. When you run a meeting or hearing, what tools do you rely on the most?
2. How did you use your position as chair to sway the outcome of legislation?
3. Examples of someone trying to go around the rules to pass legislation and/or an appropriation.
4. Explain the process of how to challenge the ruling of the chair.
5. How much leeway do you have as chair?

Part VI: Components of Negotiations

THE PURPOSE OF NEGOTIATIONS

Negotiation is a means of getting what you want from others. It is designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed.

The purpose of negotiations is to explore whether you can satisfy your interests better through the process of back and forth communication aimed at reaching an agreement than you can by pursuing your best alternative to a negotiated agreement (BATNA).

SEVEN CRITERIA FOR ASSESSING THE SUCCESS OF A NEGOTIATION

1. Better result than other alternatives available to you.
2. Satisfies legitimate interests of each side
3. Options are viable and readily implemented.
4. Legitimate: Neither side “taken”
5. Commitment i.e., durable and enjoys support of constituencies and the community
6. Process: efficient.
7. Process improves or at least does not damage the working relationship among the parties.

PROBLEMS WITH POSITIONAL BARGAINING

1. See negotiation as a win-lose proposition.
2. Parties tend to lock themselves into their predetermined positions. Ego becomes identified with position and there is a need to save face. Behind positions may be fear and distrust resulting in refusal to listen.
3. Focus more on splitting differences than on addressing legitimate concerns of each party.
4. Inefficient--incentives to stall settlement.
5. Endangers ongoing relationships.

SEPARATE THE PEOPLE FROM THE PROBLEM

1. Attack the problem, without blaming the people.
2. Don't let desire to be conciliatory stop you from doing justice to your problem. Never give in to improve a relationship. Be hard on the problem, soft on the people.
3. Put yourself in their shoes (step to their side). Listen, hear, and acknowledge what they have to say in order to diffuse fears, distrust, and misunderstandings. Let them know that their points, feelings (fears and distrust), competencies, and status have been heard and acknowledged. For example, say,

"Can I ask you a few questions to see whether my facts are correct? Let me see if I understand what you are saying."
4. Understanding their point of view is not the same as agreeing with it; rather it means you accept it as a valid point.
5. Recognize and understand emotions, theirs and yours. Make emotions explicit and acknowledge them as legitimate. Allow the other side to let off steam. Don't try to control the other side's behavior, control your own. Go to the Balcony—step back collect your wits, keep your eye on the prize.
3. Speak about yourself, not about them. "I" statements describe the impact of the problem on you, i.e., your needs, not the other person's shortcomings and therefore are less likely to provoke the other side.
4. Don't react to a personal attack with an escalating attack. Recast an attack on you as an attack on the problem.
8. Warn don't threaten. A threat comes across as what you will do to them if they do not agree. A warning comes across as what will happen if agreement is not reached.
9. Acknowledge differences with optimism. Agree with the other side whenever possible to build a positive momentum, even if you are simply acknowledging what they are saying. For example, say:
"I understand what you are saying" or "I understand your concerns and..."
10. Find opportunities to act inconsistent with their perceptions of you.
11. Give the other side a stake in the outcome by making sure they participate in the process.

FOCUS ON INTERESTS, NOT POSITIONS

1. Focus on interests, not positions. Share your interests and reasoning first and your conclusions and proposals later.
2. A position is something you have decided on. Positions are the concrete things that you want e.g., terms and conditions.
3. Interests define the problem—they are what caused you to decide. They are the intangible motivations that lead you to take the positions—concerns, needs, fears, desires, and aspirations that underlie and motivate positions.
4. Behind opposed positions lie shared and compatible interests as well as conflicting ones.
5. Realize that each side has multiple interests.
6. Techniques for switching from positions to interests and for identifying interests:
 - Treat the other side like a partner; instead of rejecting a position; reframe it as an informative contribution to the discussion. “Why do you want that” “Help me understand the problem you are trying to solve.” The moment they answer, the focus of the conversation shifts from positions to interests.
 - Ask the other side for advice: “how would you advise me to respond to my colleagues concerns?”
 - Ask them open-ended questions (statements of fact are sometimes threatening): “What are your concerns?” “Help me understand why this is important to you.” “What is the policy you are trying to achieve?” Ask “why not,” “what if”
 - Ask clarifying question “I’m afraid I don’t understand. Can you explain how this relates to what you said before?”
 - Treat stonewalls as aspirations.
7. Reframe an attack on you as an attack on the problem.

INVENT OPTIONS FOR MUTUAL GAIN

1. Go slow to go fast. Generate options for addressing interests that are advantageous to both sides. Separate inventing (brainstorming) from deciding (discussing options differs radically from taking positions). Develop multiple options to choose from, decide later.
2. To meet one's own needs, must develop solutions, which also appeal to the self-interest of the other party.
3. Look for options that are low cost to you and high benefit to them (face-saving) and vice versa.
4. Make the other side's decision easy (build them a golden bridge). Actively involve the other side in devising a solution so that it becomes their idea, not yours. Show the other side how your option stems from or relates to one of their ideas.
5. Reframe a retreat from their position as an advance toward a better solution.

INSIST ON USING OBJECTIVE CRITERIA

1. Reach results based on objective standards independent of will and that are also legitimate and practical. Never yield to pressure, only to principle.
2. Frame each issue as a joint search for objective criteria (fair standards and fair procedures) Say: "We would like to settle this on the basis of independent standards, not on who can do what to whom."
3. Objective standards include: precedent, equal treatment (parity), tradition, reciprocity, efficiency, costs, scientific judgment, and market value.

Outline of Negotiations Process

1. Make introductions
2. Clarify expectations on length of meeting
3. Clarify purpose of meeting
4. Nominate substantive issues to be dealt with
5. Reach tentative agreement on an agenda
6. Clarify interests on each point
7. Discuss objective criteria of fairness
8. Generate options to meet the interests of all
9. Turn promising options into "yes-able" propositions
10. Generate a framework agreement
11. Make tentative or contingent offers
12. Clarify next steps to be taken.

PREPARATIONS CHECKLIST FOR NEGOTIATIONS

1. Alternatives
 - Develop your Best Alternative to a Negotiated Agreement (BATNA) and estimate theirs.
 - The Better your alternatives, the greater your power
 - If their BATNA is so good they don't see any need to negotiate on the merits, see what you can do to change it
 - The more easily and happily you can walk away from a negotiation, the greater your capacity to affect its outcome
 - Reaching agreement depends on the attractiveness to you and them of viable alternatives
 - Don't expect success unless you make an offer that is more attractive than their viable alternative.
2. Interests
 - Clarify your interests and estimate theirs
 - Explore priorities and trade-offs
3. Options
 - Brainstorm possible agreements.
 - Prepare options that reflect proposed external criteria
4. Legitimacy
 - Generate external criteria that are favorable to you and potentially persuasive to them.
5. Communication (have I thought about how to speak to others in a way that makes them want to listen)
 - Identify what you want to learn and say.
 - Develop possible ways to communicate
6. Relationship (ongoing, past, present, and future)
 - Assess the relationship and plan what is needed
7. Commitments
 - Draft possible products
 - Draft a framework for agreement
 - Draft good commitment language (authority)

GOLDEN RULES OF ADVOCACY

From:

A Guide for the Powerless — and Those Who Don't Know Their Own Power;
Samuel Halperin, Institute for Educational Leadership, Washington, D.C., 1981.

1. **Be fair toward public officials.** With very rare exceptions, they are honest, intelligent, and want to do the right things. Your job is to inform them effectively about what *you think* is right.
2. **Avoid cynicism.** Government and politics may be faulty, but so is every profession. A disdainful attitude is an expensive luxury these days for it poisons the well and immobilizes the will to work for social betterment. Those who live on an island should not make an enemy of the sea. Or try a Sam Rayburn maxim: "Never spit chewing tobacco on the cake you hope to eat yourself." In short, the political process we too often disparage is still our best hope for effecting constructive social change.
3. **Be understanding.** Put yourself in the public official's place. Try to understand his/her problems, outlook and aims.
4. **Be friendly.** Don't contact public officials only when you want their help. Take pains to keep in touch with them throughout the year, every year.
5. **Be reasonable.** Recognize that there are legitimate differences of opinion. Never indulge in threats.
6. **Be thoughtful.** Commend the right things public officials do.
7. **Be charitable.** The failure of public officials to do what you wanted may be your responsibility if you have not done a good job in preparing, presenting, and following through on your case. Every public official knows that you can express your opinion at the ballot box.
8. **Be constructive.** You don't like to be scolded, pestered, or preached to. Neither do public officials. Present an alternative, a new way of looking at the problem, a new formula, and not merely negative carping.
9. **Be realistic and persistent.** Remember that controversial legislation and regulation usually result in a compromise not wholly satisfactory to any one contending party. Progress, although incremental, is no less real - and may even be more enduring for its evolutionary development that builds wider support.
10. **Be practical.** Recognize that each lawmaker has commitments and that a certain amount of vote-trading goes on in all legislatures. Don't chastise lawmakers who normally support you if they vote against one of your bills. This doesn't necessarily mean that they have deserted your whole program. Give them the benefit of the doubt; the lawmaker will appreciate it and remember that you did. And remember that while some votes may be firmly committed there will be others - both sides of the partisan aisle - that can be swayed on the basis of sound arguments properly presented and well documented.

11. **Be a good opponent.** Fight issues, not personalities.
12. **Be informed.** Do your homework. The mere fact that you want a public official to adopt your position won't be enough.
13. **Be trustworthy.** When promises are made, keep them. If you tell a public official you'll do something, stick to your end of the bargain.
14. **Be loyal.** Never leave officials out on a limb by changing your position after they have publicly taken the position that you have urged upon them.
15. **Evaluate and weigh the issues:** Many bills are tossed into the legislative hopper "by request" and are never intended to become law. So don't criticize lawmakers for every bill which is introduced, and don't sound the panic alarm until you're sure a bill or legislative action is "for real".
16. **Be discreet.** Participation in discussions about lawmakers being "bought" or "paid off" is worse than useless. You have absolutely nothing to gain and everything to lose by such speculations. Furthermore, chances are extremely high that it isn't true.
17. **Be generous.** Remember that in success everyone can claim credit. As Senator Wayne Morse used to remind his colleagues in the years when federal education legislation was exceedingly difficult to enact: "Victory has a thousand fathers; defeat is an orphan." Thank policymakers for their positive acts at least as often as you inquire why they went wrong. Let them know you are watching their record closely.
18. **Be visionary.** Especially when it comes to the political process, there is seldom an absolute and final defeat. A loss with one member may lead to finding a better champion elsewhere. Failure in committee may be overturned on the legislative floor. Debate in one chamber may often be reversed in the other. Victory may be snatched from the jaws of defeat in a conference committee. And so on.
19. **Work - and be persistent.** In the immortal words of Charlie Chan: "Everything cometh to he who waiteth, as long as he who waiteth worketh like hell in the meantime!"

On this final point alone volumes could be written, adorned by lively case studies. All the political assets, stamina, and persistence are surely the most underrated, least dispensable ingredients of success.

Part VII: Floor Action

Overview: Floor Action (US Congress)

1. Legislation is placed on the Calendar

House: Bills are placed on a House Calendar. They are usually placed on the calendars in the order of which they are reported yet they don't usually come to floor in this order - some bills never reach the floor at all. The Speaker of the House and the Majority Leader decide what will reach the floor and when. (Legislation can also be brought to the floor by a discharge petition.)

Senate: Legislation is placed on the Legislative Calendar. Scheduling of legislation is the job of the Majority Leader. Bills can be brought to the floor whenever a majority of the Senate chooses.

2. Debate

House: Debate is limited by the rules formulated in the Rules Committee. The Committee of the Whole debates and amends the bill but cannot technically pass it. Debate is guided by the Sponsoring Committee and time is divided equally between proponents and opponents. The Committee decides how much time to allot to each person. Amendments must be germane to the subject of a bill - no riders are allowed. The bill is reported back to the House (to itself) and is voted on. A quorum call is a vote to make sure that there are enough members present (218) to have a final vote. If there is not a quorum, the House will adjourn or will send the Sergeant at Arms out to round up missing members.

Senate: debate is unlimited unless cloture is invoked. Members can speak as long as they want and amendments need not be germane - riders are often offered. Entire bills can therefore be offered as amendments to other bills. Unless cloture is invoked, Senators can use a filibuster to defeat a measure by "talking it to death."

3. Vote

The bill is voted on. If passed, it is then sent to the other chamber unless that chamber already has a similar measure under consideration. If either chamber does not pass the bill then it dies. If the House and Senate pass the same bill then it is sent to the President. If the House and Senate pass different bills they are sent to Conference Committee. Most major legislation goes to a Conference Committee.

Part VIII: Conference Committees

Overview: Conference Committees & Reports

Conference Committee - A temporary, ad hoc panel composed of House and Senate conferees which is formed for the purpose of reconciling differences in legislation that has passed both chambers. Conference committees are usually convened to resolve bicameral differences on major and controversial legislation.

When the Senate requests a conference or agrees to the House's request for a conference and names its conferees, it informs the House of its action by message. After the second House agrees to the conference, appoints conferees, and apprises the first House of its action by message, all the papers relating to the measure sent to conference (referred to as the "official papers") are transmitted to the conference. This includes the original engrossed bill, engrossed amendments, and the various messages of transmittal between the Houses.

Since the conferees of each House vote as a unit, the House, like the Senate, may appoint as many conferees as it chooses to meet with the Senate conferees to reconcile the differences between the two Houses--the sole purpose of a conference. Thus, having a larger number of conferees than the other House does not provide an advantage.

After deliberation, the conferees may make one or more recommendations; for example, (1) that the House recede from all or certain of its amendments; (2) that the Senate recede from its disagreement to all or certain of the House amendments and agree to the same; or (3) that the conference committee report an inability to agree in all or in part. Usually, however, there is compromise.

Conferees dealing with an amendment or a series of amendments are more limited in their options than conferees dealing with a bill passed by the second House with an amendment in the nature of a substitute. They can only deal with the matters in disagreement. They cannot insert new matter or leave out matter agreed to by both Houses, and if they exceed their authority, a point of order will lie against the conference report. Each House may instruct its conferees, but this is rarely done. Such instructions are not binding since conferences are presumed to be full and free--one House cannot restrict the other House's conferees.

Where one House passes a bill of the other House with an amendment in the nature of a substitute and the measure then goes to conference, the conferees have wider latitude since the entire matter is in conference. They may report a third version on the same subject matter; all of its provisions, however, must be germane modifications of either the House or Senate version, or it will be subject to a point of order.

Adapted from: **SENATE ENACTMENT OF A LAW** By Robert B. Dove, Parliamentarian, United States Senate, Updated February 1997.

Inside Policy Questions Discussion Questions Negotiations and Moving Legislation

Based on your experience as a legislator and past chair of the Utah House of Representatives Rules Committee Please give us an example of:

1. Two groups on opposites sides coming together to compromise on legislation.

2. A bill that was killed by sending it to Rules.

3. A bill that was sent to rules for the purpose of killing it and the lobbyist or group was able to save it.

4. Two or three most effective strategies that you saw in order to pass legislation.

5. Is there a different approach to use when proposing an appropriations bill versus an authorizing piece of legislation?

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Section 2: Tools & Resources

Part I: Glossaries of Legislative Terms

Glossary of Legislative Terms - Arizona

A _____

Absolute Majority: More than ½ of the membership of the entire body, e.g., at least 16 members of the 30-member Senate or at least 31 members of the 60-member House of Representatives. See Majority Vote, Simple Majority, Supermajority.

Act: A bill that has been enacted into law. Each act is published as a separate chapter in the session laws.

Adjournment: The termination of the day's proceedings of either a committee or the full house. (1) Regular adjournment sets the date for the next meeting. (2) Adjournment sine die, literally adjournment "without a day," marks the end of the legislative session and terminates all unfinished business because it does not set a time for reconvening.

Administrative Procedure Act: The statutes that govern the adoption of administrative rules and administrative adjudicatory proceedings by executive branch agencies. See A.R.S. Title 41, chapter 6 (§§ 41-1001 et seq.).

Administrative Rule: An agency directive, standard, regulation, or statement of general applicability that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of an agency. Agencies may adopt rules under legislative authority delegated by the Legislature.

Adoption: Formal approval or acceptance of motions, amendments or other legislative measures.

Advise and Consent: The process, under the American system of checks and balances, by which the Senate reviews and approves or rejects gubernatorial appointments to certain executive offices. See Confirmation.

Agency Bill: A measure proposed by an executive branch agency, typically intended to enhance or improve the administration of the agency's responsibilities.

Agenda: The official work plan for a committee meeting including a list of specific items of business to be considered.

ALIS: Acronym for Arizona Legislative Information System, the Legislature's computer system.

Amend: To alter formally. (1) A bill may propose to amend a statute by changing, deleting, or adding statutory text. (2) A measure may be amended by striking or inserting text, or both.

Amendment: (1) Any formal modification, deletion, or addition that alters the form or substance of statutory text, a legislative measure, or a motion. (2) A legislative document or motion that proposes the modification of a legislative measure.

American Legislative Exchange Council; ALEC: A nonpartisan individual membership organization of state legislators that favors federalism and a market-based approach to public policy.

Apportionment: The division of the state of Arizona into 30 legislative and eight congressional districts with distinct geographic boundaries. Each legislative district contains approximately 1/30 and each congressional district contains approximately 1/8 of the state's population. See Reapportionment.

Appropriation: A formal legislative allocation of money to a state agency, budget unit or program and the authorization to spend the money for designated lawful purposes.

Appropriation Limit: The prohibition of appropriating state revenues in an amount exceeding a percentage of total personal income in Arizona. The limit was originally 7% of total personal income, but minor adjustments have been authorized over the years. See Article IX, § 17, Constitution of Arizona.

Approval by the Governor: The Governor's signature on a bill or joint resolution passed by the Legislature.

Arizona Revised Statutes; A.R.S.: The codified laws of the State of Arizona. The statutes are published and annotated by private companies but use the arrangement and numbering system assigned by the Legislature.

Attorney General Opinion: A written analysis of a question of law prepared by the attorney general for the governor, the head of an executive agency, any legislator or a school district.

Author: See Sponsor.

AZNet: The teleconference system that allows legislators and the public to electronically attend some legislative committees and other proceedings from remote locations around the state.

B _____

Bicameral: A Legislature composed of two chambers or two legislative bodies. Arizona's bicameral Legislature is made up of the House of Representatives and the Senate. All states have bicameral legislatures except Nebraska, which has only one chamber (unicameral).

Biennial: Occurring every two years. (Note: "biannual" means occurring every six months.)

Biennium: A two-year period.

Bill: A proposed law that has been introduced in either house of the Legislature. A bill creates new law or amends or repeals existing law. Senate bills are numbered consecutively and designated "S.B. 1xxx." House bills are numbered consecutively and designated "H.B. 2xxx."

Bill Drafting: The writing of bills, memorials and resolutions according to rules, styles and forms described in the bill drafting manual.

Bill Drafting Manual: The manual published by Legislative Council that explains the official, uniform system and rules for preparation of all legislative measures.

Bill Folder: The Legislative Council file folder that contains the legislator's documentation for drafting a bill, resolution, or memorial. Each request is assigned a bill folder number that is the official designation of the proposed measure before it is introduced and given a bill number. The contents of a bill folder are confidential.

Bill Number: The number given to each bill by the Senate secretary or chief clerk of the House when it is introduced. Senate Bills are numbered “S.B. 1xxx” and House bills are numbered “H.B. 2xxx.”

Bill Status: The progress of a bill (or other measure) at any given time in the legislative process. The current status can be determined by referring to the computer system (ALIS) that also provides an update on all other legislative action.

Bill Summary: The fact sheet prepared by Senate and House staff for bills, resolutions and memorials as they are considered by standing committees.

Bipartisan: Interparty cooperation on a matter that is essentially political. See Nonpartisan, Partisan.

Blend: When the Legislature amends the same statute more than once in the same legislative session, the Executive Director of Legislative Council is authorized to compile and blend compatible amendments of the statute to avoid publishing more than one version of the statute.

Boilerplate: Standard bill drafting language common to various subjects and designed to maintain the legal consistency and uniformity of the language of the Arizona Revised Statutes.

Bond: (1) A certificate of indebtedness issued by the government in return for money it has borrowed. A promise to pay a specified sum of money at a fixed time in the future and carrying a specified rate of interest. Bonds may be general obligation bonds or revenue bonds. (2) A financial commitment to the state by a state officer or employee to ensure that the person will be honest and faithful in performing official duties (formally called a “surety” bond).

Box: Legislative slang for the amount of state revenues remaining for special purpose spending after general appropriations.

Budget: A formal plan of government expenditure for a fiscal year or biennium including the means of financing the expenditures.

Budget Unit: A state department, commission, or other agency of state government that spends or disburses state revenue or incurs obligations against the state.

By Request: A phrase used when a sponsor introduces legislation as a favor or at the request of a constituent or another private party or organization but does not necessarily endorse the measure. The words “By Request” appear after a sponsor’s name on the front of the legislation.

C _____

Calendar: The list or docket of legislation awaiting action.

Calendar Day: Any day listed on the Gregorian calendar. See Legislative Day.

Call: The formal proclamation issued by the Governor to call the Legislature into a special session, including a list of issues to be addressed in the session.

Call of the House [Senate]: A formal proceeding to suspend floor action until a quorum can be assembled on the floor. It includes locking the doors of the chamber and an order for the sergeant at arms to locate and compel the attendance of unexcused members. (See Quorum Call.)

Capital Budget: A plan of expenditures for land acquisition and construction, repair, engineering and design of facilities and major equipment.

Capital Outlay Bill: An appropriation bill that authorizes expenditures of state money for the capital budget needs of the state.

Caucus: n., (1) A group of people who share common interests; legislators of the same political party. (2) A meeting of legislators of the same political party to consider legislation, policies, and actions. v., To hold or meet in a caucus.

Chair; Chairman; Chairperson: The person who presides over a committee.

Chamber: See Floor.

Chapter: An act. The Secretary of State assigns each act a chapter number in the session laws of a legislative session.

Chief Clerk: The chief administrative officer of the House of Representatives who is responsible for keeping records of the proceedings of the House, preparing and distributing calendars and other official agenda of the House and transmitting legislation and official correspondence from the House to the Senate and the Governor.

Christmas Tree Bill: Legislative slang for a bill, generally considered late in the session, that accumulates numerous amendments, like Christmas tree ornaments, that are attached to attract votes.

Claims Bill: The Named Claimant's Relief Act; an appropriations bill to pay various individuals and entities for confirmed losses caused by state government.

Coalition: An alliance of factions for some specific purpose.

Code: (1) A compilation of laws on a particular subject (e.g., the criminal code). (2) The published Arizona Revised Statutes. (3) The compilation of administrative rules, known as the "administrative code."

Code Revision: The process of preparing newly enacted laws for publication in the Arizona Revised Statutes. Legislative Council is responsible for proofreading the new laws, correcting minor technical problems (e.g., misspelled words), and blending multiple amendments of the same statute. See A.R.S. §§ 41-1304.01, 41-1304.02, 41-1304.03.

Committee: A body of legislators appointed to handle certain business and report back to the parent body. See Standing Committee, Conference Committee, Interim Committee, Statutory Committee, Joint Committee, Committee of the Whole.

Committee Amendment: An amendment recommended to the full house by a majority of a standing committee to which the measure was referred for consideration. Committee amendments must be adopted by the full house to become a part of the measure.

Committee of the Whole (COW): The full membership of the Senate or the House of Representatives sitting as a committee to debate legislation and adopt amendments to legislation.

Committee Staff: The staff who assist a committee chair and members, typically consisting of a secretary and one or more research analysts.

Common Law: The law derived from usages and customs of antiquity and recognized and enforced by courts, as distinguished from the law created by the enactment of legislatures. See Statute.

Companion Bills: Bills that supplement each other but, for legal, technical, tactical, or political reasons, cannot be combined.

Concurrence: The action by which one house accepts the amendments made to a measure by the other house.

Concurrent Memorial: See Memorial.

Concurrent Resolution: See Resolution.

Conditional Enactment: A provision in a bill indicating that is to become effective only if a separate condition occurs, such as an enabling constitutional amendment.

Conferees: The legislative members who meet as a conference committee.

Conference Committee: A committee with members appointed from each house to resolve differences in a measure as passed by each house and prepare a version of the measure acceptable to both houses. See Free Conference Committee, Simple Conference Committee.

Conference Report: The recommendation of a conference committee to resolve the differences in a measure passed by each house.

Confirmation: The process by which the Senate advises and consents to executive appointments made by the Governor. See A.R.S. § 38-211. See Advise and Consent.

Conflict of Interest: A situation in which a public official may receive personal benefit or harm from taking or withholding public action. A conflict of interest may prevent a legislator from voting on a particular issue.

Consensus: A broad agreement that, while not necessarily all-encompassing, embraces enough elements to obtain support from a majority.

Consent Calendar; Unanimous Consent Calendar: A list of measures that have been reported without amendment by all standing committees to which they have been assigned. It is used to allow rapid floor consideration of noncontroversial measures. Measures on the consent calendar are not assigned to Committee of the Whole but instead proceed directly to third reading. Any member may protest a measure on a consent calendar during a designated notice period, in which event the measure is removed and routed to Committee of the Whole.

Constituent: A citizen who resides in the district of a legislator.

Constitution: The written document agreed upon by the people of the United States (the United States Constitution) or Arizona (the State Constitution) as the fundamental and absolute rule for action and decision for the government.

Constitutional Amendment: A change to the Constitution of Arizona or to the United States Constitution. Amendments to the Constitution of Arizona may be proposed by the Legislature or by an initiative petition, and in either case must be adopted by a vote of the people. Amendments to the Constitution of the United States must be ratified by the Legislatures of the several states.

Cosponsor: A sponsor of a measure other than the prime sponsor. Cosponsors' names appear on the face of the printed measure with the prime sponsor's name.

Council of State Governments; CSG: A membership organization of all state executive officers and legislatures in the United States and its possessions for the purpose of research and information on state policy and administrative issues.

COW: Legislative slang for Committee of the Whole.

D _____

Dead: Legislative slang for a measure that has been defeated or otherwise removed from consideration for the remainder of the session.

Debate: Formal discussion and argument of a matter before a house or committee of the Legislature.

Deficit; Budget Deficit: A shortfall between the amount appropriated and the amount of revenues for a fiscal year.

Dilatory: Deliberate use of parliamentary procedure to delay.

Discharge petition: A procedure to extract a measure from further consideration of all committees and place it on the active calendar of the Committee of the Whole. See Removal Petition.

District: (1) An "electoral district" is a geographical area designated for representation by one Senator and two Representatives. See Apportionment, Reapportionment. (2) A "special taxing district" is a unit of local government, such as a school district, usually having an elected governing board and the power to impose taxes.

Division: To repeat a voice vote, this time by standing or by raising hands. If the outcome of a voice vote is uncertain, any member may request a division to verify the vote. A division does not record the vote of individual legislators but only the number of votes for and against the motion. In some Parliamentary countries and provinces a vote on division is taken by the members physically "dividing" themselves to be counted in separate "aye" and "no" lobbies adjacent to the chamber.

Do Pass: An affirmative recommendation made by a committee in forwarding a measure to the floor or for further consideration. If the committee proposes an amendment to the measure, the recommendation is that it "do pass as amended."

Draft: n., A written version of a legislative measure that has not yet been formally offered for consideration by the Legislature. v., To prepare a measure for consideration by the Legislature, including discussing, writing, revising, editing, word processing, and printing activities.

E _____

Effective Date: The date on which an act takes effect, normally the 91st day after the Legislature adjourns sine die (see General Effective Date) unless otherwise stated in the act (see Emergency, Proposition 108).

Emergency: A finding that an act must take effect before the 91st day after the Legislature adjourns sine die in order to preserve the public peace, health, or safety. If an emergency measure is enacted by a majority vote of each house, it becomes law on the date it is signed by the Governor or, if the Governor vetoes the measure, on the date the veto is overridden by a ¾ majority vote of each house.

Enabling Act: The Act of Congress that authorized the process for Arizona to become a state.

Enabling Legislation: A bill authorizing a governmental entity, officer, or employee to do something.

Enacting Clause: The clause “Be it enacted by the Legislature of the State of Arizona” that is required by the State Constitution to head all bills to formally express the legislative sanction and authority.

Enactment: n., A legislative measure that has become law. v., The process of creating, changing, or repealing a law.

Engross: The preparation of an exact and official copy of a measure as passed by a house of the Legislature, including all adopted amendments, before transmitting the measure to the other house.

Engrossed Bill: An official copy of a bill as passed by either house of the Legislature containing all amendments adopted by that house. Bills that are engrossed by the House of Representatives are printed on green paper. Bills that are engrossed by the Senate are printed on goldenrod paper. Resolutions and memorials that are engrossed are referred to as engrossed resolutions and engrossed memorials.

Enrolled Bill: The official copy of a bill as finally passed in identical form by both houses of the Legislature and transmitted to the Governor. It is the final engrossed bill. Resolutions and memorials that are enrolled are similarly referred to as enrolled resolutions and enrolled memorials.

Ex Officio: Membership on a board or committee by virtue of holding another particular office or position.

Executive Order: A written order of the governor affecting the operation or organization of an executive branch agency. An executive order has the force of law unless superceded by an act of the Legislature or a subsequent executive order.

Executive Session: A meeting of a committee that is closed to the public and the press for purposes of considering any of a limited number of sensitive topics authorized by law. See A.R.S. § 38-431.03.

Explanation of vote: An oral statement of a legislator’s reasons for an “aye” or “nay” vote on third reading or final passage of a measure

F _____

Fact Sheet: A written summary of a bill prepared by research analysts in the House and Senate.

Feed Bill: Legislative slang for the general appropriations bill.

Filibuster: Artificially prolonging debate on an issue for the purpose of delaying or preventing legislative action.

Final Passage: The roll call vote taken on a measure on the floor of each house after all amendments and committee reports have been adopted and incorporated into the measure. This is the last vote on the measure before it is sent to the Governor.

First Reading: The initial formal recitation on the chamber floor of a bill, resolution, or memorial by number and sections by the reader in either house. It is the first of three readings required by the Constitution of Arizona. In the House, a measure is assigned to one or more committees at first reading.

Fiscal Note: A statement of revenue implications of proposed legislation, prepared at the request of a legislator by the Joint Legislative Budget Committee.

Fiscal Year: Any 12-month accounting period without regard to its relationship to a calendar year. The Arizona state fiscal year is July 1 through June 30.

Floor: (1) The interior chamber of either house of the legislature where the full membership convenes. (2) The right to address the members assembled when a house is in session.

Floor Action: Consideration and debate by the full House or Senate.

Floor Amendment: An amendment, other than a committee amendment, offered by a legislator during floor debate during Committee of the Whole.

Free Conference Committee: A conference committee that may propose in its report on a measure any new amendments that are germane to the measure. See Conference Committee, Simple Conference Committee.

G _____

Gallery: (1) The balcony area in the chambers of the Senate and House from which the public may observe legislative proceedings on the floor. (2) The area on the floors of the House and Senate designated for the presence of accredited members of the press corps, generally known as the “press gallery.”

General Appropriations Bill: The bill that makes appropriations for the estimated foreseeable expenses of state government for the fiscal years in a biennium. See Feed Bill, ORB, Supplemental Appropriation.

General Effective Date: The 91st day after the Legislature adjourns sine die. See Article IV, part 1, § 1(3), Constitution of Arizona.

General Election: An election to choose officers of the federal, state, or local governments. The general election for federal, state, and county officers is held on the first Tuesday following the first Monday in November in successive even-numbered years.

General Fund: The fund in which most state revenues are deposited and that is available for any legally authorized purpose and used to fund appropriations for the ordinary operations of state government.

General Law: A law of general, or potentially general, application throughout the state. See Local Law.

General Obligation Bond: A certificate of government indebtedness that is backed by the “full faith and credit” of the issuing government. See Revenue Bond.

Germane: Pertaining to the subject matter of the measure. A bill may address only one subject, and all changes made by the bill to the law and all changes made by amendments to the bill must be relevant and appropriate to that subject. See Article IV, part 2, §§ 13, 20, Constitution of Arizona.

Gerrymander: Designing a legislative or congressional district for the purpose of obtaining partisan or factional advantages. See Apportionment, Reapportionment.

Going Home Bill: Legislative slang for a bill that is imperative to pass before the Legislature, or the bill's sponsor, can "go home" (adjourn sine die).

Grandfather Clause: Legislative slang for saving clause.

Gut: Legislative slang for amending a measure to remove its key provisions or to weaken it drastically.

H _____

Hearing: A formal public session of a committee at which business is conducted or testimony is received.

Hopper: The box or other depository in which bills, resolutions, and memorials are filed for introduction.

House: Generally, either body or chamber of the Legislature. Capitalized, it refers specifically to the House of Representatives.

House of Origin: The chamber in which a measure is introduced and that first considers the measure.

House of Representatives: The house of the Arizona Legislature consisting of 60 members who are elected from the 30 legislative districts.

I _____

Impeachment: The formal process of bringing charges of high crimes, misdemeanors, or malfeasance against a public official of the state by the House of Representatives. After the House has impeached, the official is tried by the Senate and removed from office if convicted.

Initiative: The right of private citizens to propose and enact laws. The proposition is placed on an election ballot through a petition signed by a specified number of voters. See Article IV, part 1, § 1(2), Constitution of Arizona.

Interim: The period of time between two regular sessions of the Legislature.

Interim Committee: A committee, usually temporary, established to study an issue, make findings and prepare a report during the period between legislative sessions. See Select Committee.

Intern: One of a group of university students selected each year to work as researchers and assistants in several offices and committees of the Legislature.

Internal Reference: A cross-reference or citation within a section of law to another section of law.

Interstate Compact: Legislation that is agreed to in identical form by two or more states for the purpose of interstate cooperation.

Introduction: The presentation of a bill, resolution or memorial to the Secretary of the Senate or the Chief Clerk of the House of Representatives (see Hopper); formally accomplished when the measure is first read on the floor of the Senate or House.

Introductory Set; Intro Set: The official package containing copies of a bill, resolution or memorial that has been prepared for introduction and a form that legislators can sign as sponsors of the measure.

Item Veto: See Line-Item Veto.

J _____

Joint Committee: A committee composed of members of both houses of the Legislature, sometimes including nonlegislative members as well, usually for the purpose of studying and making recommendations regarding a single issue before the Legislature. Note: Committees may occasionally meet jointly, i.e., two standing committees may meet together to consider matters of mutual interest. These meetings do not constitute a joint committee.

Joint Resolution: See Resolution.

Joint Session: A combined meeting of the Senate and House of Representatives, usually for ceremonial or informational purposes.

Journal: The official chronological record that is maintained by each house and that reports essential items of daily business but not a verbatim record. The journals of each house are published after each regular session.

L _____

Lame Duck: An elected official who continues to hold political office during the interim between the election and inauguration of the person's successor.

Law: A binding rule of a community that is enforced by controlling authorities. Statute law is enacted by the Legislature. Common law is set by precedent in court and by interpretation of the Constitution and statute law.

Leadership: The elected officers of each house and each caucus.

Legislation: The measures enacted or under consideration by the Legislature. These include codified and uncodified statutory law and memorials and resolutions.

Legislative Day: A day on which the houses of the Legislature each convene to conduct official business.

Legislative Immunity: A limited constitutional privilege for legislators from civil process and arrest during and immediately preceding the legislative session.

Legislative Intent: A goal of the Legislature in enacting legislation. Intent may be stated in enacted legislation or may be ascribed from the provisions of the law and circumstances contemporaneous with its enactment. Intent does not have the force of law but may be used to interpret statutory provisions.

Legislative Rules: The guidelines by which the Senate, the House of Representatives or a committee governs its activities.

Legislature: The lawmaking body of the State of Arizona, composed of 60 Representatives and 30 Senators from 30 districts elected to two-year terms. Each Legislature has a duration of two years, encompassing two regular sessions and any special sessions during that period. Each Legislature is numbered consecutively.

Line-Item Veto: The power of the Governor to veto specified items from an appropriation while signing the remainder of the bill into law.

Line Numbers: The numbers that appear in the margins of each bill, resolution, memorial, and amendment. They are used as reference points in discussing the text of the document and in drafting amendments to the document.

Lobby: n., (1) A room at the rear of each chamber set aside for the use of the members and their guests. (2) A group that is organized for the purpose of influencing the opinions and decisions of legislators with respect to some specific area of interest.
v., Communicating with public officials on behalf of a person or interest group for the purpose of influencing legislative or administrative action.

Lobbyist: A person who is employed or who contracts, with or without compensation, to communicate with public officials on behalf of another person or an interest group for the purpose of influencing legislative or administrative action. See A.R.S. § 41-1231.

Local Law; Special Law: A law of local or limited application, affecting only one or more particular areas or classes, such as one or more counties. The Constitution of Arizona prohibits local and special laws on several specific topics and when general law can be made to apply. See Article IX, part 2, § 19, Constitution of Arizona. See General Law.

Loophole: An unintended use or application of a law, usually to afford an unintended benefit at the expense of the public.

M _____

Majority; Majority Party: The political party (or coalition) to which a majority of the members of a house of the Legislature belongs. A party may be the majority party in one house and the minority party in the other house.

Majority Leader: The person selected by the members of the majority political party (or coalition) in a house to be their spokesperson.

Majority Vote: A vote of more than ½ of the body. See Absolute Majority, Simple Majority, Supermajority.

Majority Whip: See Whip.

Mandate; State Mandate: Anything required by the Legislature by state law, typically a requirement that local government establish, expand or modify its activities in such a way that increases local expenses.

Mason's Manual: The publication Mason's Manual of Legislative Procedure, which is a procedural and parliamentary manual that supplements the Constitution, statutes and House and Senate Rules.

Measure: A piece of legislation (i.e., a bill, resolution or memorial or an amendment to a bill, resolution or memorial) that is before the Legislature for consideration.

Memorial: A legislative measure containing a request or proposal that a named recipient (such as Congress or the President of the United States) acknowledge stated facts (contained in clauses introduced by the word “whereas”) and take action in a manner consistent with the request. A memorial is not used to commemorate the dead. A memorial may be “simple” (considered by only one house) or “concurrent” (considered by both houses).

Message From the Senate or House: Official communication from the opposite house and read into the official record.

Minority; Minority Party: A political party to which fewer than one-half of the members of a house of the Legislature belong.

Minority Leader: The person selected by the members of a minority political party in a house to be their spokesperson.

Minority Report: A committee report officially stating the position of members who are in the minority on an issue in question (not necessarily in the minority political party).

Minutes: A written record summarizing the proceedings of a committee.

Motion: A request by a legislator for one of a wide variety of parliamentary actions that formally directs debate on the floor. It is the way, for example, that a legislator introduces a measure for debate on the floor.

N _____

National Conference of State Legislatures; NCSL: A membership organization of all state legislatures in the United States and its possessions for the purpose of research and information on public policy and administrative issues.

New Language: The text of a bill that is proposed to be added to existing state law. New language in bills is displayed in ALL CAPITAL LETTERS.

Ninth Floor: Legislative slang referring to the Governor or the Governor’s office, which is located on the ninth floor of the West Wing of the State Capitol.

Nonpartisan: Interparty cooperation on matters without consideration of party politics or not ascribing to any of the political parties. See Bipartisan, Partisan.

“Now” Title: A revised reference title of a measure after a strike everything amendment has been adopted to reflect the new provisions of the measure and distinguish the current version of the measure from its original version.

O _____

Omnibus Bill: A bill addressing many items or topics under a single subject.

Open Meeting: A meeting or session of a public body at which the public may attend. All meetings and sessions of public bodies are required by law to be open except for a limited number of specific cases. See Executive Session. See A.R.S. Title 38, chapter 3, article 3.1.

Operating Budget: A plan of expenditures other than capital expenditures. Frequently referred to as “maintenance and operation” or “M & O.” See Capital Budget.

ORB: Legislative slang for an “omnibus reconciliation bill.” An ORB is a bill that is intended to reduce the cost of state government by providing for increased efficiencies in administration or program management rather than direct reductions in appropriations to the agency or program.

Order of Business: The scheduled events and proceedings followed by the Senate and House of Representatives each legislative day, as prescribed by the Senate and House Rules.

Out of Order: An expression indicating an event, motion, or measure that violates the rules of parliamentary procedure or the rules of the body of the Legislature.

Override: To enact a bill after it has been vetoed by the Governor. The Legislature must muster a supermajority vote to override a veto.

Oversight: A continuing or periodic review by the Legislature of the way other branches of government administer the law.

P _____

Page: A person who works on the chamber floors, in committees and elsewhere on the legislative premises to distribute materials, carry messages and generally facilitate the legislative work flow.

Parliamentarian: A legislator, designated by the President or Speaker, who is skilled in parliamentary rules, practice, or debate.

Parliamentary Procedure: The rules governing order and debate in the Legislature, having generally evolved from the traditional practice of the British Parliament.

Partisan: Taking the part of or strongly supporting the position or policy of one political party over another. See Bipartisan, Nonpartisan.

Partisan Staff: Legislative employees who serve under majority or minority leadership to provide research and administrative support to members of their party.

Passage: Adoption of a measure by the House of Representatives or the Senate or a “do pass” recommendation of a measure by a committee.

Per Diem: A daily allowance of money for legislators.

Performance Audit: An oversight review of an agency or program by the Auditor General or another designated entity to evaluate the results, efficiencies, achievements, and other performance indicators of the agency or program.

Personal Privilege: Senate and House rules that allow a legislator to explain a personal matter but not discuss or debate an issue during the explanation. It is used, for example, when a legislator wants to introduce a guest or acknowledge someone.

Personal Services: A classification of budget expenditure that includes salary, overtime and benefits for personnel.

Piggyback: (1) To attach a legislative proposal to another piece of popular legislation in an effort to get it passed by a house. (2) To incorporate provisions of federal law as a basis on which state law and procedure are constructed.

Point of Order: An objection raised by a legislator that the rules of procedure are being violated.

Point of Personal Privilege: A statement by a member on the floor of the chamber relating to the member personally or to a member's rights, reputation or conduct, rather than to the public business of the body. The typical point of personal privilege consists of announcements, personal statements, or introductions of visitors.

Policy Analyst: See Research Analyst.

Pork Barrel: Legislative slang for appropriations based on political patronage such as funding for local projects.

Post Audit: A review of expenditures after the fact to ensure compliance with applicable laws and rules.

Postpone Indefinitely: A procedural action to prevent further action on a legislative measure, without requiring a direct or recorded vote on the merits of the measure.

Prefiling: A procedure allowing a legislator to offer a measure for introduction before the legislative session begins.

Present: A vote of abstention, neither for nor against a motion.

President: The presiding officer of the Senate, elected by its members.

Press Corps: The members of the news media who cover events at the State Capitol.

Prime Sponsor: The lead legislator of a group of legislative sponsors of a measure. The prime sponsor's name appears first on the face of the printed measure. See Cosponsor.

Primary Election: A preliminary election in which the registered voters of a political party nominate that party's candidates for office.

Privilege of the Floor: Permission granted to a nonmember of the body to be in that portion of the legislative chamber during session that is reserved for members and staff personnel.

Pro Tempore; Pro Tem: For the time being; temporary. Usually referring to a person who serves as a presiding officer in the absence of the elected presiding officer.

Proposition: A proposed enactment of law that is placed on the ballot for approval or rejection by the voters as a result of the initiative or referendum process of direct legislation.

Proposition 105; Prop 105: The constitutional prohibition (named after the 1998 general election ballot proposition that enacted it) on legislative amendments of measures and funding that were approved by the voters, except in certain limited circumstances.

Proposition 108; Prop 108: The constitutional requirement (named after the 1992 general election ballot proposition that enacted it) that bills that provide for a net increase in state revenues through a new or increased tax or fee or through reduced exemptions or deductions must be approved by a vote of at least 2/3 of the members of each house of the Legislature or, if vetoed by the Governor, the subsequent vote of at least 3/4 of the members of each house. If so enacted, the bill takes effect immediately rather than on the general effective date.

Q _____

Question; Previous Question: A parliamentary motion to conclude debate and vote on the issue.

Quorum: The minimum number of members of a house or committee required by law or rule to be present before that body can conduct official business.

Quorum Call: A proceeding to determine whether a quorum is present on the floor and suspend floor action until sufficient members return. See Call of the House [Senate].

R _____

Rainy Day Fund: The common name of the state budget stabilization fund. A fund of money set aside to alleviate state financial emergencies.

Reapportionment; Redistricting: Realigning legislative and congressional districts after the United States decennial census for the purpose of equalizing the population among the districts.

Recall: n., The right of citizens to remove an elected official by an election before the official's term expires. v., To request the return of a measure from the other house or from the Governor by resolution.

Recess: A temporary suspension of legislative business. Unlike adjournment, a recess does not end a legislative day and does not interfere with unfinished business.

Reconsideration: A parliamentary process by which a motion or question that has been acted on may be brought back before the body again. The motion for reconsideration is subject to the requirements and details prescribed by the rules of the House and the Senate, respectively.

Reference Title: A short title of each bill, resolution, and memorial that is placed in the upper right-hand corner of the first page. It gives a brief idea of the nature of the measure and aids in indexing, but it is not a part of the substantive law of the measure. See "Now" Title, Title.

Referendum: (1) The right of citizens to prevent enacted legislation from taking effect until the voters either approve or reject the legislation at an election. The referendum is placed on an election ballot through a petition signed by a specified number of voters. See Article IV, part 1, § 1(3), Constitution of Arizona.

(2) The choice by the Legislature to submit a proposed law to the voters for approval rather than enacting a bill outright.

Referral: Sending or referring a bill or another matter to a committee or committees for consideration and report.

Regular Session: The annual session of the Legislature convening on the second Monday in January and continuing through adjournment sine die. Each elected Legislature has two regular sessions: the regular session following the general election (convening in odd-numbered years) is designated the "First Regular Session," and the regular session convening in even-numbered years is designated the "Second Regular Session."

Removal Petition: A procedure to extract a measure from the rules committee and place it on the active calendar of the committee of the whole. See Discharge Petition.

Repeal: To rescind or revoke a law by legislative action.

Report: The presentation by a committee on a measure or another matter that was referred to the committee for action.

Research Analyst: The professional research staff person who is employed by the Legislature, is assigned to a standing committee and provides research support and analysis to the committee.

Resolution: A legislative measure containing a declaration or expression of opinion, will, intent or “resolve” in matters within the Legislature’s legal purview or to conduct the business of the Legislature. A resolution is also used to commemorate the death of prominent public figures. A resolution may be “simple” (considered by only one house), “concurrent” (considered by both houses) or “joint” (considered by both houses and signed by the Governor).

Revenue Bond: A certificate of government indebtedness on which the principal and interest are to be paid solely from money generated by the project they finance or from some dedicated “stream” of government revenue. See General Obligation Bond.

Rise and Report: A motion to adjourn Committee of the Whole.

Roll Call: The method of recording attendance at a floor session. Roll calls on the floors of each house are normally conducted electronically.

Roll Call Vote: The method of formally counting and recording the votes of individual legislators on a motion. Roll call votes on the floors of each house are normally conducted electronically.

Rules: See Administrative Rules, Legislative Rules.

Rules Attorney: A staff attorney employed to advise the House or Senate Rules Committee and other members of the body regarding constitutional and procedural issues of introduced bills, resolutions and memorials as well as questions regarding House or Senate Rules and procedures.

Rules Committee: A standing committee in each house assigned specifically to consider each bill, resolution and memorial for constitutional and format issues before the measure is considered on the floor by the whole house.

S _____

Saving Clause: A provision in a bill to exempt a preexisting situation from the requirements of a new law. Sometimes called a “grandfather” clause.

Second: To endorse a motion made by another member. The rules of a chamber may dispense with the requirement of a second.

Second Reading: The second of the three formal readings of a measure introduced in each house required by the Constitution of Arizona.

Secretary of the Senate: The chief administrative officer of the Senate who is responsible for keeping records of the proceedings of the Senate, preparing and distributing calendars and other official agenda of the Senate and transmitting legislation and official correspondence from the Senate to the House of Representatives, the Secretary of State and the Governor.

Select Committee: A temporary committee established by either house, or both houses jointly, to study a specific subject area. See Interim Committee.

Senate: The house of the Arizona Legislature consisting of 30 senators who are elected from the 30 legislative districts.

Seniority: Length of service in the House of Representatives, the Senate or the Legislature collectively. It has little official significance but is an informal means of recognizing prior legislative experience by affording personal prerogatives and other deferences.

Sergeant at Arms: A nonlegislator selected in each house to maintain order in the chamber under the direction of the President or Speaker.

Session: A meeting of the Legislature or the period between convening and adjournment sine die during which the Legislature conducts meetings to enact laws. See Regular Session, Special Session.

Session Laws: (1) All enactments of a legislative session. (2) Uncodified laws of an explanatory or temporary nature.

Severability: The legal principle that if a court finds a provision of an act or law to be invalid, the invalid provision will be severed out so that it does not affect the other provisions of the act that can continue to be given effect without the invalid provision. Severability clauses occasionally appear in bills to remind courts of this principle.

Short Title: See Reference Title.

Simple Conference Committee: A conference committee that may address in its report only the points of disagreement between the Senate and House and cannot include any new matter in the report. See Conference Committee, Free Conference Committee.

Simple Majority: More than ½ of the members of the body who are present for a vote. See Absolute Majority, Majority Vote, Supermajority.

Simple Memorial: See Memorial.

Simple Resolution: See Resolution.

Sine Die: See Adjournment.

Sit COW: Legislative slang for “sitting as in Committee of the Whole.”

Sitting as in Committee of the Whole: A proceeding by which a house may conduct business as if it were in Committee of the Whole. Typically used to adopt minor technical corrections to bills that have already passed out of Committee of the Whole.

Sound of the Gavel: A term designating the end of an indefinite recess in proceedings. A meeting that is in recess until “the sound of the gavel” will reconvene when the chairperson determines that all intervening business has been accomplished and the meeting is ready to be gavelled back into session.

Speaker: The presiding officer of the House of Representatives, elected by its members.

Special Law: See Local Law, General Law.

Special Session: A meeting of the Legislature called by the Governor. A special session may be called on the Governor's initiative, in which case the Legislature may consider only subjects and issues that the Governor specifies. The Governor must also call a special session on receiving a petition of at least 2/3 of the members of each house of the Legislature, in which case the subjects that the Legislature can consider are not limited. There is no limit on the duration of a special session.

Spending Limit: See Appropriation Limit.

Sponsor: The legislator, legislators, or standing committee that authors or agrees to introduce a measure. The sponsor's name is printed on the front page of the measure.

Stakeholder: A person or special interest group that has a specific interest in the enactment or defeat of legislation that goes beyond general public policy reasons.

Standing Committee: A permanent committee that is established by the rules of each house of the Legislature to which legislative measures are assigned for consideration.

State of the State: An annual address given by the Governor to a joint session of the legislature, patterned after the President's state of the union message to Congress. The purpose is to provide the Governor's report on the affairs of state government and to recommend policies and measures the Governor feels necessary.

Statute: A law enacted by the Legislature and codified in the Arizona Revised Statutes. See Common Law.

Statutory Committee: A permanent committee of the Legislature that is established by a statute.

Stricken Language: The text in a bill that is proposed to be deleted from existing state law. Stricken language in bills is displayed with strikethrough.

Strike Everything Amendment: An amendment to a bill that begins "Strike everything after the enacting clause and insert:". A strike everything amendment proposes a new version of the bill, sometimes changing the nature of the bill completely, by replacing the provisions previously introduced or adopted.

Striker: See Strike Everything Amendment.

Subcommittee: A subordinate committee composed of members of the full committee appointed by the chair of the full committee. A subcommittee considers a narrower range of topics than the full committee, usually only one bill, and makes recommendations to the full committee.

Substitution of Bills: A shortcut to enactment in which two identical bills are considered by both houses. Then in Committee of the Whole of one of the houses, the bill that has passed the other house is substituted for the identical bill under consideration on the floor and, assuming it passes, thereby avoids having to go through the committees and caucuses of the second house that had already considered the original identical bill.

Sunrise: The statutory legislative process of evaluating the desirability of new or increased regulation of a health-related profession. See A.R.S. Title 32, chapter 31.

Sunset: The automatic termination of an agency or program on a specific date, requiring reevaluation and reauthorization by the Legislature for the agency or program to continue.

Supermajority: A roll call vote of the Legislature that requires more than a simple majority for passage, typically 2/3 or 3/4 of the members.

Supplemental Appropriation: An act appropriating monies in addition to those already appropriated for the fiscal year by the general appropriations bill to cover deficiencies or unexpected needs.

System is Closed: The announcement by the presiding officer to indicate that the automatic roll call voting machine has been locked and that members may no longer vote using that system.

System is Open: The announcement by the presiding officer to indicate that members may begin recording their votes on the automatic roll call voting machine by activating the appropriate switch on their desks.

T _____

Technical Amendment; Technical Correction: An amendment of law that has no substantive effect but is intended only to correct some technical flaw, such as poor grammar, an incorrect cross-reference or an obsolete provision or to combine multiple versions of a statute.

Teleconference: A meeting or hearing taking place at two or more locations linked by telecommunication facilities and equipment. Teleconference may be by audio transmission or by both audio and video transmission.

Term Limits: A Senator or Representative may not serve more than four consecutive terms in that office as provided by Article IV, part 2, § 21, Constitution of Arizona.

Third Reading: The third formal reading of a measure on the floor of the House or Senate, taken after all committee work on the measure is completed and all adopted amendments have been engrossed. On third reading the entire chamber votes on the measure by roll call. Amendments and debate are not allowed on third reading, although members are allowed to persuasively explain their votes. If passed on third reading, the measure is transmitted to the other house for further action.

Title: (1) The formal listing of the contents and description of the subject of a bill, resolution, or memorial. The title is a constitutional requirement of every measure and has significant legal effect. See Reference Title. (2) The primary subunit of Arizona Revised Statutes.

U _____

Unanimous Consent Calendar: See Consent Calendar.

Uniform Act: Legislation that is recommended by the National Conference of Commissioners on Uniform State Laws for enactment by all states, in substantially identical language, for the purpose of uniformity of application and administration.

Upstyle: See New Language.

V _____

Vehicle; Vehicle Bill: Legislative slang for a bill, memorial or resolution that is introduced in a form that is acknowledged, informally, to be incomplete. Vehicle bills are frequently used when legislative deadlines compel the introduction of legislation before the sponsor has fully developed all of the measure's details or when interested parties are continuing to negotiate and discuss the concepts and details of the legislation at the time it must be introduced. The vehicle then becomes a "placeholder" into which the final provisions will be amended.

Veto: An official act of the Governor disapproving a bill passed by the Legislature and nullifying the bill unless the Legislature subsequently overrides the veto.

Vice-chair; Vice Chairman; Vice-chairperson: A committee member chosen by the Speaker or President to preside over the committee in the chairman's absence.

Voice Vote: An oral vote on a motion decided by the apparent number of voices calling "aye" compared to those calling "no" or "nay." There is no record kept of the members voting or of the number of "ayes" and "nos". See Division, Roll Call Vote.

W _____

Whip: An assistant to the majority or minority leader. Duties may include marshaling party members in support of party strategy, managing floor action for a political caucus and presiding over meetings of the caucus. The term derives from the British fox hunting term "whipper-in" that describes the person responsible for keeping the foxhounds from leaving the pack.

Without Objection: A phrase used by the presiding officer to indicate that a noncontroversial matter is being disposed of without a roll call vote of the members, assuming that there is no opposition to the action.

Y _____

Yield: In debate, the relinquishing of the floor to another member to speak or ask a question.

Glossary of Terms (US Senate)

act - Legislation (a bill or joint resolution, see below) which has passed both chambers of Congress in identical form, been signed into law by the President, or passed over his veto, thus becoming law. Technically, this term also refers to a bill that has been passed by one house and engrossed (prepared as an official copy).

adjourn - A motion to adjourn in the Senate (or a committee) ends that day's session.

Adjournment Sine Die - The end of a legislative session "without day." These adjournments are used to indicate the final adjournment of an annual or the two-year session of a Congress.

advice and consent - Under the Constitution, presidential nominations for executive and judicial posts take effect only when confirmed by the Senate, and international treaties become effective only when the Senate approves them by a two-thirds vote.

amendment - A proposal to alter the text of a pending bill or other measure by striking out some of it, by inserting new language, or both. Before an amendment becomes part of the measure, the Senate must agree to it.

appropriation - Provision of law that provides authority for Federal agencies to obligate funds and to make payments out of the Treasury for specified purposes. Appropriations for the Federal government are provided both in annual appropriations acts and in permanent provisions of law.

authorization - Statutory provision in an authorizations act that authorizes appropriations for a program or an agency. An authorization may be effective for one year, a fixed number of years, or for an indefinite period. An authorization may be for a definite amount of money or for "such sums as may be necessary."

authorizations act - A law that establishes or continues one or more Federal agencies or programs, establishes the terms and conditions under which they operate, authorizes the enactment of appropriations, and specifies how appropriated funds are to be used. Authorizations acts sometimes provide permanent appropriations.

balanced budget - A budget in which receipts equal outlays.

bill - The principal vehicle employed by lawmakers for introducing their proposals (enacting or repealing laws, for example) in the Senate. Bills are designated S. 1, S. 2, and so on depending on the order in which they are introduced. They address either matters of general interest ("public bills") or narrow interest ("private bills"), such as immigration cases and individual claims against the Federal government.

budget authority - Authority provided by law to enter into obligations that will result in outlays of Federal funds. Budget authority may be classified by the period of availability (one-year, multiyear, no-year), by the timing of congressional action (current or permanent), or by the manner of determining the amount available (definite or indefinite).

budget resolution - Legislation in the form of a concurrent resolution setting forth the congressional budget. The budget resolution establishes various budget totals, divides spending totals into functional categories (e.g., transportation), and may include reconciliation instructions to designated House or Senate committees.

caucus - From the Algonquian Indian language, a caucus meant "to meet together." An informal organization of Members of the House or the Senate, or both, that exists to discuss issues of mutual concern and possibly to perform legislative research and policy planning for its members. There are regional, political or ideological, ethnic, and economic-based caucuses.

"christmas tree" bill - Informal nomenclature for a bill on the Senate floor that attracts many, often unrelated, floor amendments. The amendments which adorn the bill may provide special benefits to various groups or interests.

cloture - The only procedure by which the Senate can vote to place a time limit on consideration of a bill or other matter, and thereby overcome a filibuster. Under the cloture rule (Rule XXII), the Senate may limit consideration of a pending matter to 30 additional hours, but only by vote of three-fifths of the full Senate, normally 60 votes.

committee - Subsidiary organization of the Senate established for the purpose of considering legislation, conducting hearings and investigations, or carrying out other assignments as instructed by the parent chamber.

companion bill or measure - Similar or identical legislation which is introduced in the Senate and House. House and Senate lawmakers who share similar views on legislation may introduce a companion bill in their respective chambers to promote simultaneous consideration of the measure.

concurrent resolution - A legislative measure, designated "S. Con. Res." and numbered consecutively upon introduction, generally employed to address the sentiments of both chambers, to deal with issues or matters affecting both houses, such as a concurrent budget resolution, or to create a temporary joint committee. Concurrent resolutions are not submitted to the President and thus do not have the force of law.

conference committee - A temporary, ad hoc panel composed of House and Senate conferees which is formed for the purpose of reconciling differences in legislation that has passed both chambers. Conference committees are usually convened to resolve bicameral differences on major and controversial legislation.

conference report - The compromise product negotiated by the conference committee. The "conference report," which is printed and available to Senators, is submitted to each chamber for its consideration, such as approval or disapproval.

confirmation - Informal term for the Senate giving "Advice and Consent" to a presidential nomination for an executive or judicial position.

congressional record - The substantially verbatim account of daily proceedings on the Senate floor. It is printed for each day the Senate is in session. At the back of each daily issue is the "Daily Digest," which summarizes the day's floor and committee activities.

consideration - To "call up" or "lay down" a bill or other measure on the Senate floor is to place it before the full Senate for consideration, including debate, amendment, and voting. Measures normally come before the Senate for consideration by the Majority Leader requesting unanimous consent that the Senate take it up.

continuing resolution/continuing appropriations - Legislation in the form of a joint resolution enacted by Congress, when the new fiscal year is about to begin or has begun, to provide budget authority for Federal agencies and programs to continue in operation until the regular appropriations acts are enacted

discretionary spending - Spending (budget authority and outlays) controlled in annual appropriations acts.

enacted - Once legislation has passed both chambers of Congress in identical form, been signed into law by the President, become law without his signature, or passed over his veto, the legislation is enacted.

engrossed bill - The official copy of a bill or joint resolution passed by the Senate and certified by the Secretary of the Senate.

enrolled bill - The final copy of a bill or joint resolution which has passed both chambers in identical form. It is printed on parchment paper, signed by appropriate House and Senate officials, and submitted to the President for signature.

filibuster - Informal term for any attempt to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions.

fiscal year - The fiscal year for the Federal Government begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; for example, fiscal year 2003 begins on October 1, 2002 and ends on September 30, 2003.

floor amendment - An amendment offered by an individual Senator from the floor during consideration of a bill or other measure, in contrast to a committee amendment.

floor leaders - The Majority Leader and Minority Leader are elected by their respective party conferences to serve as the chief Senate spokesmen for their parties and to manage and schedule the legislative and executive business of the Senate. By custom, the Presiding Officer gives the floor leaders priority in obtaining recognition to speak on the floor of the Senate.

floor manager - Senators designated to lead and organize consideration of a bill or other measure on the floor. They usually are the chairman and ranking minority member of the reporting committee or their designees.

germane - On the subject of the pending bill or other business; a strict standard of relevance.

hearing - A meeting of a committee or subcommittee -- generally open to the public -- to take testimony in order to gather information and opinions on proposed legislation, to conduct an investigation, or review the operation or other aspects of a Federal agency or program.

joint committee - Committees including membership from both houses of Congress. Joint committees are usually established with narrow jurisdictions and normally lack authority to report legislation. Chairmanship usually alternates between the House and Senate members from Congress to Congress.

joint resolution - A legislative measure, designated "S. J. Res." and numbered consecutively upon introduction, which requires the approval of both chambers and, with one exception, is submitted (just as a bill) to the President for possible signature into law. The one exception is that joint resolutions (and not bills) are used to propose constitutional amendments. These resolutions require a two-thirds affirmative vote in each house but are not submitted to the President; they become effective when ratified by three-quarters of the States.

joint session - When the House and Senate meet together to conduct formal business or to hear an address by the President of the United States.

"lame duck" session - When Congress (or either chamber) reconvenes in an even-numbered year following the November general elections to consider various items of business. Some lawmakers who return for this session will not be in the next Congress. Hence, they are informally called "lame duck" Members participating in a "lame duck" session.

layover - Informal term for a period of delay required by rule. For example, when a bill or other measure is reported from committee, it may be considered on the floor only after it "lies over" for one legislative day and after the written report has been available for two calendar days. Layover periods may be waived by unanimous consent.

legislative session - That part of the Senate's daily session in which it considers legislative business (bills, resolutions, and actions related thereto).

markup - The process by which congressional committees and subcommittees debate, amend, and rewrite proposed legislation.

measure - Term embracing bill, resolution, and other matters on which the Senate takes action.

motion to proceed to consider - A motion, usually offered by the Majority Leader to bring a bill or other measure up for consideration. The usual way of bringing a measure to the floor when unanimous consent to do so cannot be obtained. For legislative business, the motion is debatable under most circumstances, and therefore may be subject to filibuster.

"must pass" bill - A vitally important measure that Congress must enact, such as annual money bills to fund operations of the government. Because of their must-pass quality, these measures often attract "riders" (unrelated policy provisions).

nongermane amendment - An amendment that would add new and different subject matter to, or may be irrelevant to, the bill or other measure it seeks to amend. Senate rules permit nongermane amendments in all but a few specific circumstances.

original bill - A bill which is drafted by a committee. It is introduced by the committee or subcommittee chairman after the committee votes to report it, and it is placed directly on the Senate's Calendar of Business.

override of a veto - The process by which each chamber of Congress votes on a bill vetoed by the President. To pass a bill over the President's objections requires a two-thirds vote in each Chamber. Historically, Congress has overridden fewer than ten percent of all presidential vetoes.

oversight - Committee review of the activities of a Federal agency or program.

parliamentarian - The Parliamentarian is the Senate's advisor on the interpretation of its rules and procedures. Staff from the Parliamentarian's office sit on the Senate dais and advise the Presiding Officer on the conduct of Senate business. The office also refers bills to the appropriate committees on behalf of the Senate's Presiding Officer.

permanent appropriation - Budget authority that becomes available as the result of previously enacted legislation (substantive legislation or prior appropriations act) and does not require current action by Congress. Budget authority is considered to be "current" if provided in the current session of Congress and "permanent" if provided in prior sessions.

pocket veto - The Constitution grants the President 10 days to review a measure passed by the Congress. If the President has not signed the bill after 10 days, it becomes law without his signature. However, if Congress adjourns during the 10-day period, the bill does not become law.

point of order - A claim made by a Senator from the floor that a rule of the Senate is being violated. If the Chair sustains the point of order, the action in violation of the rule is not permitted.

president pro tempore - A constitutionally recognized officer of the Senate who presides over the chamber in the absence of the Vice President. The President Pro Tempore (or, "president for a time") is elected by the Senate and is, by custom, the Senator of the majority party with the longest record of continuous service.

pro forma session - A brief meeting (sometimes only several seconds) of the Senate in which no business is conducted. It is held usually to satisfy the constitutional obligation that neither chamber can adjourn for more than three days without the consent of the other.

question - Any matter on which the Senate is to vote, such as passage of a bill, adoption of an amendment, agreement to a motion, or an appeal.

quorum - The number of Senators that must be present for the Senate to do business. The Constitution requires a majority of Senators (51) for a quorum. Often, fewer Senators are actually present on the floor, but the Senate presumes that a quorum is present unless the contrary is shown by a roll call vote or quorum call

recess - A temporary interruption of the Senate's (or a committee's) business. Generally, the Senate recesses (rather than adjourns) at the end of each calendar day.

recognize - The Chair permits a Senator to speak by recognizing him or her; the Senator then "has the floor." When time is controlled, a Senator must have time yielded to him or her before he or she can be recognized.

reconciliation bill - A bill containing changes in law recommended pursuant to reconciliation instructions in a budget resolution. If the instructions pertain to only one committee in a chamber, that committee reports the reconciliation bill. If the instructions pertain to more than one committee, the Budget Committee reports an omnibus reconciliation bill, but it may not make substantive changes in the recommendations of the other committees.

reconsider - Senate rules permit one motion to reconsider any question decided by vote, if offered by a Senator who voted on the winning side. Normally a supporter of the outcome immediately moves to reconsider the vote, and the same Senator or another immediately moves to table this motion, thus securing the outcome of the vote.

relevant - Many unanimous consent agreements require amendments to a specific bill or other measure to be relevant to the measure.

rescission - The cancellation of budget authority previously provided by Congress. The Impoundment Control Act of 1974 specifies that the President may propose to Congress that funds be rescinded. If both Houses have not approved a rescission proposal (by passing legislation) within 45 days of continuous session, any funds being withheld must be made available for obligation.

riddick's senate procedure - Named after Senate Parliamentarian Emeritus Floyd M. Riddick, this Senate document contains the contemporary precedents and practices of the Senate. It is updated periodically by the Senate Parliamentarian.

riders - Informal term for a nongermane amendment to a bill or an amendment to an appropriation bill that changes the permanent law governing a program funded by the bill.

roll call vote - A vote in which each Senator votes "yea" or "nay" as his or her name is called by the Clerk, so that the names of Senators voting on each side are recorded. Under the Constitution, a roll call vote must be held if demanded by one-fifth of a quorum of Senators present, a minimum of 11.

scheduling - Senate practice today generally concedes to the Majority Leader the prerogative of arranging the floor schedule of the Senate and making unanimous consent requests and motions to proceed to consider bills and other items of business. The Majority Leader is also chiefly responsible for negotiating unanimous consent agreements governing the consideration of items of business.

scorekeeping - Procedures for tracking and reporting on the status of congressional budgetary actions, including up-to-date tabulations and reports on congressional actions affecting budget authority, receipts, outlays, the surplus or deficit, and the public debt limit.

secretary of the senate - The chief legislative officer nominated by the majority party conference and elected by the Senate. The Secretary affirms the accuracy of bill text by signing all measures that pass the Senate. The Secretary supervises the preparation and printing of bills and reports, the publication of the Congressional Record and Senate journals, and other matters.

senator - The Constitution requires that a Senator be at least 30 years old, a citizen of the United States for at least nine years, and an inhabitant of the State from which he or she is elected. A person elected or appointed to the Senate and duly sworn is a Senator.

sergeant at arms - The chief security officer of the Senate, the Sergeant at Arms, and staff in the office help to preserve order in the Senate chamber, the Senate galleries, and the Senate side of the Capitol. The Sergeant at Arms is elected by the Senate upon the nomination of the majority party conference.

session - The period during which Congress assembles and carries on its regular business. Each Congress generally has two regular sessions (a first session and a second session), based on the constitutional mandate that Congress assemble at least once each year.

simple resolution - Designated "S. Res.," simple resolutions are used to express nonbinding positions of the Senate or to deal with the Senate's internal affairs, such as the creation of a special committee. They do not require action by the House of Representatives.

slip law - A few days after a law has been enacted, it is officially published first as a "slip law." Slip laws are unbound and printed on one or a few pages of paper.

standing committee - Permanent committees established under the standing rules of the Senate and specializing in the consideration of particular subject areas. There are currently 16 standing committees.

subcommittee - Subunit of a committee established for the purpose of dividing the committee's workload. Recommendations of a subcommittee must be approved by the full committee before being reported to the Senate.

supplemental appropriation - Budget authority provided in an appropriations act in addition to regular or continuing appropriations already provided. Supplemental appropriations generally are made to cover emergencies, such as disaster relief, or other needs deemed too urgent to be postponed until the enactment of next year's regular appropriations act.

table, motion to - A Senator may move to table any pending question. The motion is not debatable, and agreement to the motion is equivalent to defeating the question tabled. The motion is used to dispose quickly of questions the Senate does not wish to consider further.

unanimous consent - A Senator may request unanimous consent on the floor to set aside a specified rule of procedure so as to expedite proceedings. If no Senator objects, the Senate permits the action, but if any one Senator objects, the request is rejected. Unanimous consent requests with only immediate effects are routinely granted, but ones affecting the floor schedule, the conditions of considering a bill or other business, or the rights of other Senators, are normally not offered, or a floor leader will object to it, until all Senators concerned have had an opportunity to inform the leaders that they find it acceptable.

veto - The procedure established under the Constitution by which the President refuses to approve a bill or joint resolution and thus prevents its enactment into law. A regular veto occurs when the President returns the legislation to the house in which it originated. The President usually returns a vetoed bill with a message indicating his reasons for rejecting the measure. The veto can be overridden only by a two-thirds vote in both the Senate and the House.

vice president - Under the Constitution, the Vice President serves as President of the Senate. He may vote in the Senate in the case of a tie, but is not required to. The President Pro Tempore (and others designated by him) usually perform these duties during the Vice President's frequent absences from the Senate.

voice vote - A vote in which the Presiding Officer states the question, then asks those in favor and against to say "Yea" or "Nay," respectively, and announces the result according to his or her judgment. The names or numbers of Senators voting on each side are not recorded.

vote - Unless rules specify otherwise, the Senate may agree to any question by a majority of Senators voting, if a quorum is present. The Chair puts each question by voice vote unless the "yeas and nays" are requested, in which case a roll call vote occurs.

whips - Assistants to the floor leaders who are also elected by their party conferences. The Majority and Minority Whips (and their assistants) are responsible for mobilizing votes within their parties on major issues. In the absence of a party floor leader, the whip often serves as acting floor leader.

yield - When a Senator who has been recognized to speak "yields" to another, he or she permits the other to speak while the first Senator retains the floor. Technically, a Senator may yield to another only for a question.

yield the floor - A Senator who has been recognized to speak yields the floor when he or she completes his or her remarks and terminates his or her recognition.

yield time - When the Senate has reached a unanimous consent agreement limiting the time for debate and placing it under the control of floor managers, a Senator may be recognized to speak only if a manager yields the Senator a specified amount of time to speak. The Chair then recognizes the Senator receiving the time, not the manager who yields the time, to hold the floor.

Part II: Resolutions

Example of Resolution (I)

Proclamation in Support of Salt Lake 2002 Paralympic Winter Games

Utah State Legislature February 6, 2002

Whereas, The Salt Lake 2002 Winter Olympic Games have been successfully completed;

Whereas, The athleticism and the patriotism showcased the values and culture of Salt Lake City;

Whereas, the eyes of the world have been focused on the good works of the volunteers that made the games a success;

Whereas, the recognition that athletic events are of equal benefit to those who have disabilities as to those who don't;

Whereas, that truism created the Paralympics;

Whereas, bringing together the mind, body and spirit is the essence of these games;

Whereas, the energy and support shown to the athletes for the Olympics will be mirrored for the Paralympics;

Whereas, people with disabilities in the great state of Utah have partnered with SLOC Organizers to ensure the success of these games;

Be it Therefore Resolved, that the Utah State Senate and the Utah House of Representatives, together with the world welcomes the 2002 Paralympians to Salt Lake City and wishes them the best in their pursuit of excellence.

Senate Representative

House Representative

Part III: Support Materials

Example of Support Material (I)

Input to SB 1248 Reauthorization of IDEA – 2003

The Senator Hatch Disability Advisory Committee is pleased to provide the following input regarding key issues proposed in SB 1248 reauthorizing the Individuals with Disabilities Education Act (IDEA). As the committee has reviewed both the House and Senate proposals, it is evident that many aspects of the Senate proposal help to safeguard the rights of students with disabilities, provide for quality educational services, and promote collaboration.

Our goal is to highlight several key issues that must be addressed in Senate deliberations and as the Senate and House conference in negotiations. We will also provide a separate document that highlights other issues of importance.

Key Issue 1 - Funding:

For many years, special education has struggled to achieve adequate funding to meet the needs of students with disabilities. There are several proposals within SB 1248 that are of serious concern:

- **8% Rule – Section 613 (C)(i)** The Senate is proposing that 8% of IDEA funds be turned over to local education agencies (LEAs) without regulatory language on how these funds be used to serve students with disabilities. It is the feeling of the Senator Hatch Disability Advisory Committee that there has not been adequate funding to meet the needs of students with disabilities. To now siphon off Federal IDEA funds for general education purposes before reaching a level of adequate funding for students with disabilities seems unreasonable.
- **40% Rule – Section 613 (C)(ii)** The Senate is proposing that 40% of IDEA funds be turned over to LEAs without regulatory language on how these funds be used to serve students with disabilities when a state receives the maximum level of funding provided by law. As with the 8% rule, the Senator Hatch Disability Advisory Committee strongly urges that this language be stricken from the proposed legislation.
- **Early Intervening Services – Section 613 (C)(iii)** The Senator Hatch Disability Advisory Committee supports the concept of using up to 15% of IDEA funds for providing pre-referral services to students who are at risk and may have disabilities. The concern expressed is that the increased cost of providing these services should not reduce services to students already identified and served in special education. One way to ensure that these early intervening services are available is to provide a separate new funding stream within IDEA.

- Private School Child Find – Section 612 (a)(10)(ii) With the increased requirements of child find for children with disabilities attending private and religious schools there will be a clear increase in the costs associated with child find and assessment for LEAs. These additional requirements should also be supported with new IDEA funds.
- Early Childhood Federal Definition of Developmental Delay – Section 635 (a)(1)(B) The state supports a Federal minimum definition of developmental delay. A national standard for eligibility will require that funding increases to Part C of IDEA must also follow.
- Early Childhood New Required Referral – Section 637 (a)(6) Under this proposal states would be required to make the referral for early intervention services of a child under the age of three (3) who is involved in a substantiated case of child abuse or neglect. All state agencies should continue to meet their own requirements with respect to early and periodic screening, diagnosis, and treatment services (EPSDT). IDEA should not take on the responsibility and cost of other state and federal requirements and agencies that already exist. The costs associated with this requirement alone could significantly reduce available resources for services to infants and toddlers with disabilities because of the significant shift in resources for evaluation when those evaluations are appropriately conducted by other agencies such as the Division of Child and Family Services. When a developmental delay is suspected it is referred to Part C for a comprehensive evaluation.

Key Issue 2 – Individualized Education Plan (IEP):

A quality IEP is important in meeting the educational needs of students with disabilities. The process of developing the IEP involves thoughtful planning, open communication, and quality teamwork.

- IEP Team Membership – Section 614 (d)(1)(B) The Senator Hatch Disability Advisory Committee is concerned about the proposal that the LEA and the parent(s) could choose to excuse from attendance in the IEP planning process members of the IEP team. This may weaken the progress made over the past few years in creating a “team” approach to meeting student needs.
- IEP Content – Section 614 (d)(1)(A)(i)(II) The Senator Hatch Disability Advisory Committee expressed concern that removing the benchmarks and short term objectives from the annual IEP eliminates an important tool for teachers, parents, and schools to assess student progress and demonstrate accountability. This may be an effort to reduce paperwork for teachers but may not be the most effective way of accomplishing the goal.
- 3-Year IEP Option – Section 614 (d)(5) The Senate’s proposal of the 3-year IEP starting at age 18 meets with much greater acceptance by the Senator Hatch Disability Advisory Committee than does the House proposal.

Key Issue 3 – NCLB Alignment with Assessment:

As the nation moves ahead with the systems change initiative of No Child Left Behind (NCLB) and Congress considers how students with disabilities will have their individual rights protected under IDEA, there are great opportunities to align the two efforts. There are also a number of specific areas in which the requirements of the two laws do not clearly match when it comes to meeting the needs of students with disabilities.

The Senator Hatch Disability Advisory Committee always seeks quality outcomes for people with disabilities and the preservation of their rights and dignity. One mismatch for some students with disabilities in the accountability requirements of NCLB is participation in standardized assessments that because of individual disability is inappropriate. Students with disabilities are to participate in regular assessment (with accommodations, if appropriate) or an alternate assessment (for only students with most severe cognitive disabilities). The concern is that for many students with disabilities (at least 1/2), even with appropriate accommodations, their ability does not allow them to participate meaningfully in the regular assessment program. Under the NCLB these students will score NOT PROFICIENT on their assessments. They may be making substantial progress toward IEP goals, but that may not be what is measured by standardized assessments. The impact could be that when schools are evaluated to determine Adequate Yearly Progress (AYP) by subgroup, students with disabilities will most likely fail to show measurable progress in terms of proficiency. A number of possible negative implications could arise:

- Pressure to push out students with disabilities from inclusive settings as a result of high-stakes accountability when schools feel that low scores will prevent them from achieving AYP.
- Special education teachers may feel that their efforts to provide quality instruction to meet the needs of students with disabilities according to IEP goals are not valued. In a time when there is a critical shortage for special education teachers, we cannot afford to lose any more because our system might fail to honor their best efforts.
- The IEP needs to continue to determine the goals and most appropriate assessment for students with disabilities. Assessments need to appropriately match instructional efforts.

PROPOSAL:

The Senator Hatch Disability Advisory Committee respectfully requests that Senator Orrin Hatch present a floor amendment to SB 1248 that would propose allowing states to develop an assessment system that would hold states accountable for all students with disabilities that includes the following components:

- The IEP team will determine the appropriate participation of students with disabilities in state and local assessments.
- Participation in state and local standardized assessments with accommodations, if appropriate, for students with disabilities for as many students with disabilities as appropriate.
- Participation in alternate assessment for students with most severe disabilities.
- Participation in modified* assessment system for students with disabilities for whom participation in the state, local, and alternate assessment system, even with accommodations, is not appropriate as determined by the IEP team.

***A modified assessment system would be designed to show individual student progress toward meeting IEP goals as measured across the school year.**

Recognizing the intense support to have all students participate in assessments and accountability, let's ensure that the individual abilities and needs of students with disabilities are considered and respected. It is the understanding of the Senator Hatch Disability Advisory Committee that this same concern is shared by many parents, advocacy groups, and educators across the country and that further information regarding this issue could be made available to inform Senator Hatch.

Example of Support Material (II)

Comparison of IDEA Reauthorization Principles sent to Sen. Hatch with H.R. 1350

Principles	H.R. 1350 – Concerns/Issues
I. Funding: Full funding at 40% of NAPPE, increased funding for Section 619 (preschool), Part C (Early Intervention), Part D (Discretionary)	Part B – no commitment to full funding, but rather continue incremental increases; Preschool Part B 619 was flat funded – no increase; Part D was moved into another section (addressed under VII); Part C was apparently awarded small increases
II. Discipline: Ensure continued FAPE and education in safe learning, maintain focus on positive behavioral supports for students. Further clarification of current statute in ensuring Functional Behavior Assessments/Behavior Intervention Plan with proper training of administration and teachers on how to support students with disabilities. The University of Oregon has been studying the impact of positive behavioral supports on students with and without disabilities.	Removes the requirements for a Manifestation Determination review prior to disciplinary action; Student breach of “code of conduct” language would be at the discretion of Schools and Districts. A violation of the code of conduct could be very narrowly defined resulting in significant issues for students with disabilities; removes the requirement to provide a functional behavior assessment and behavior intervention plan and IEP team review; removes requirement to review appropriateness of services and placement relating to the student’s behavior; weakens FAPE standard regarding delivery of services to student while in Interim Alternative Educational Setting; State law would allow alternative placements to be for an indefinite amount of time, as opposed to a current limit of 45 days.
III. Highly qualified staff: IDEA funds are currently used to support the Comprehensive System for Personnel Development (CSPD) which assists states in their effort to provide quality professional development to enhance skills of special education staff. This has been a very effective way of training special education teachers to meet the needs of students with disabilities	Eliminates CSPD. Requires training and credentialing in all core academic areas, as well NCLB. This could be very problematic in special education, particularly in self-contained classrooms at the junior, middle and high school levels. It may cause teachers to leave the special education system rather than seek multiple core credentials.
IV. Transition: Require agencies to align policies and procedures to provide more interagency coordination and seamless service delivery, while retaining appropriate levels of funding. Solidify the age of 14 for transition plans.	There seems to be no significant change in HR 1350 on transition, we have no specific issues here.

<p>V. Early Intervention (Part C); Lead agency authority should be maintained at the State level; States should have the authority to determine how to provide services up to age 5; Flexibility should be available to offer a range of options for where services can be most effectively provided.</p>	<p>It appears that HR 1350 addresses all of these issues adequately.</p>
<p>VI. Regional Resource Centers: We strongly encourage congressional support of this important technical assistance. Our Regional Resource Center is outstanding – the Mountain Plains RRC located in Logan is our provider. Research & Development should continue to be operated in close proximity to programs that develop and operate innovative educational practices for students with disabilities. Both USU and U of U receive sizeable grants for research in special education in the field. This research helps Utah be a leader in the area of special education. HR 1350 would cause us to close this resource.</p>	<p>Does not include RRCs. We feel the Senate version needs to include this valuable resource. R & D will go to one large research organization further removed from the field. The Senate version should maintain R & D close to the field for optimum advantages.</p>
<p>VII. Parents: Parent Training and Information and Community Parent Resource Centers should be continued, and funding increased. The Utah Parent Center has been working with community agencies toward a goal of collaborating to write a grant for a CPRC to serve Spanish speaking parents which would be a great benefit to Utah families.</p>	<p>CPRCs are eliminated. As CPRCs typically represent and are located in minority, low income and under-represented communities, they do not duplicate but rather augment what PTIs typically offer. They should not be eliminated.</p>

Many of the following concerns have been raised by members of the Senator Hatch Disability Advisory Committee concerning aspects of HR 1350. Not all members of the committee shared the same concerns. These do not appear in order of priority.

1. In current law, there is an abrogation of sovereign immunity; in HR 1350, the provision (Sec. 604) is removed. By removing the provision it makes it much more difficult to bring actions against states under IDEA, causing parents and family's problems when seeking to bring about positive systemic change at a state level.
2. Shortening the comment period on regulations from 90 to 30 days is very problematic for parents, school systems and advocates. Keep the 90 comment period as is so that all stakeholders will have an adequate amount of time to review and comment on the implementing regulations.
3. Currently, U.S. Dept. of Education public policy letters help states, school districts, and parent advocates interpret and understand IDEA requirements. Under HR 1350 the application and use of those letters is severely limited. Maintain the US Dept. of Education's ability to issue public policy letters on IDEA issues of national significance and remove proposed Section 607(f)(3) from HR 1350.

4. Proposed Section 611(a)(3) in HR 1350 limits grants to states when the number of children with disabilities ages 3-17 exceeds 12% of the number of all children of that age in the state. This is not currently a concern for the state of Utah, but if one looks at individual LEAs some are over the 12% figure. This cap is a potential concern for Utah in the future in light of projected growth in future numbers of students in Utah, and we recommend eliminating it.
5. Section 614(a)(2) regarding Re-evaluations: It is important to allow both parent and teacher to authorize re-evaluations. New language in HR 1350 removes the ability of teachers and parents to trigger a re-evaluation, and it could create increased costs to districts when parents request independent educational evaluations at district expense. Less-sophisticated parents might feel pressured to agree with an LEA that a three-year re-evaluation is not needed. Language to prevent frivolous, duplicative, and unnecessary re-evaluations would be appropriate, but the shift to LEAs and the limitations placed on re-evaluations is problematic.
6. Regarding proposed Section 614(b)(3)(A)(ii) in HR 1350, the standard for evaluating a child in their native language is weakened. Current law requires an evaluation in the student's native language "unless it is clearly not feasible to do so." HR 1350 weakens the requirement to evaluate in a student's native language "to the extent practicable." Current IDEA provisions already allow for exceptions when native language options are not feasible. We should maintain the current language in the Senate version. The HR 1350 language could cause an increase in costs to LEAs due to increased parent requests for independent educational evaluations at district expense.
7. Proposed Section 614(b)(4)(B): new provisions relating to the definition of learning disabilities make it more difficult to determine eligibility for services. The intent to eliminate the "wait to fail" model of identification is good. The discrepancy model being recommended in HR 1350 may not address this issue adequately either. Ensuring that we don't miss students with learning disabilities in this process is critical.
8. Section 614(d)(1)(A)(ii): Removal of the requirement to have benchmarks or short-term objectives within the IEP is internally inconsistent with HR 1350. Without detailed benchmarks or short-term objectives it makes it very difficult for parents and teachers to ensure accountability for results and to determine whether a student is making progress. We recommend the Senate version maintain the requirement for benchmarks and short-term objectives.
9. Section 614(d)(1)(B) IEP Team: Loosening of the requirement to include a regular education teacher on discussions relevant to the IEP establishes a potential for abuse. The IEP team would have great difficulty bifurcating the discussions to only address inclusion issues at specific times when the regular ed teacher is present. The Senate version should maintain the current requirement for a regular education teacher to be in attendance at IEP meetings.
10. Section 614(d)(3)(D) IEP Team Attendance: HR 1350 adds a provision for the exemption of a team member by the parent and LEA. This opens a broad potential for abuse, especially for unsophisticated parents who may not know or understand the importance of certain professionals to be present at IEP meetings.. This provision should be eliminated.

11. Section 614(d)(5) Multi-Year IEP: Three years is too long to go without a comprehensive review, especially with young children or with children with emerging disability issues. It may also add monitoring and enforcement problems for the SEA (i.e. SEAs will have to monitor two types of IEPs, annual and multi-year IEPs). It may also set an unwritten expectation that all IEPs move to 3 years.
12. Section 615(c) Content of Prior Written Notice: HR 1350 removes the requirement to provide a description of other options considered and why those options were not taken. It removes the requirement to describe other factors relevant to the agency's proposal or refusal; the addition of the rule of construction (2) weakens school district incentive to comply with prior written notice requirements.
13. Section 615(d) Procedural Safeguards Notice: This limits the instances a school district is required to provide parents with a copy of the procedural safeguards. It is important that parents receive this notice frequently as required under current law. Many parents are not aware of or do not understand their rights under the procedural safeguards
14. Section 615(e) Mediation and Voluntary Binding Arbitration: This requirement in HR 1350 is unnecessary. Written state complaints, mediation and due process hearings are sufficient. Also, there is no right of appeal following a binding arbitration decision unlike with a due process hearing which parents may not be aware of or understand. It places an additional burden on the state to set up a new system.
15. Section 615(f) 30 day resolution session prior to a due process hearing is problematic because it creates an unnecessary hoop for parents to jump through and parents will likely be unrepresented by counsel at the required IEP meeting since parent's attorney fees are not available for IEP meetings Utah state statute requires an attempt to resolve disputes at the building level. This is sufficient.
16. Section 615(i) also gives authority to Governors to cap attorney rates. Utah already has a shortage of parent attorneys in this highly specialized area of law. A state cap may make it even more difficult for private attorneys to represent families in special education disputes. Additionally, since Utah has very few due process hearings and Utah school districts do not pay out much for parent attorney fees, this cap is unnecessary and will hinder parent access to competent legal representation.
17. Section 632(4)(E)(i): Do not add Family Therapy. This would add a mental health service that early intervention programs are not prepared to provide and that should more appropriately be provided through a mental health facility.

18. Section 635(a)(5) and 637(a)(5): Do not add the requirement to refer a child under age 3 who is involved in a substantiated case of child abuse or neglect. This would set a precedent for designating a referral category for early intervention services. These children referred for abuse or neglect may or may not qualify for early intervention services depending on the states' definition of developmental delay for eligibility. To require a referral the program necessitates that the program perform a comprehensive evaluation and assessment of the child. This requirement would impose a significant financial burden to the system. In the state of Utah, these children are referred to another agency for a developmental evaluation. Do not meet the need for developmental evaluations for these children by referring them to an agency for which they may not qualify for services.
19. Citation uncertain: the 10 State Waiver on Paperwork Requirements: Special education by its nature is very dependent on the creation and maintenance of education records. Record-keeping requirements help school districts show how they are in compliance with IDEA. Waiving the paperwork requirement could make it more difficult for parents to determine whether their child is making appropriate progress and make it more difficult for states when monitoring school districts.
20. The statute of limitations under HR1350 is great cause for concern to parents. Families might be forced to forego conciliation, mediation, and other dispute resolution techniques and go directly to hearings, as these other processes are time consuming.
21. HR 1350 eliminates the Federal Interagency Coordinating Committee. In spite of a stated philosophy to require coordination of services at the state and local levels, this bill eliminates the group that models and encourages collaboration among the Federal agencies responsible for setting policies affecting children with disabilities and their families.
22. HR 1350 changes the current law that prohibits the Secretary from prescribing any regulation that would procedurally or substantively lessen the protections provided children with disabilities.
23. The Shadegg amendment expressing the intent of Congress to require a physician's diagnosis could be problematic. Under current law, children can be served under a broad definition of developmental delay until age 9. What would happen to these children? If the diagnosis is made through the educational system, would that be recognized under this provision?
24. It is important to allow Parent Centers and the volunteers and staff associated with them to educate, communicate, and inform legislators about issues impacting students and families with disabilities.
25. As we consider the assessment of students with disabilities for the purposes of accountability under No Child Left Behind, we recommend that the IDEA Reauthorization enable states to look for appropriate assessments in measuring individual student progress.
26. The 15% of IDEA funds allowed for pre-referral interventions is a great concept, only if there is a substantial increase in IDEA funding to LEAS so that special education funding is not diverted from services to students with disabilities and that the general education system is asked to match those resources.

Example of Support Material (III)

Funding Formula Change for Centers for Independent Living Talking Points

Background

Many centers for independent living (CILs) are funded by the federal government with appropriations authorized by Title VII Part C of the Rehab Act. The funding supports CIL efforts to provide community based services for people with disabilities. Each state receives an allocation intended to meet the needs of their state. However, in virtually every state the amount has been insufficient to provide services for all people with disabilities who ask for them. The current formula combines minimum funding for less-populated states with increases for larger states based upon the state's percentage of the national population. A peculiarity in the distribution process resulted in about 20% of the states receiving nothing for over a decade.

Over the last 5 years, the appropriation to states has increased, because Congress has recognized the significant role of CILs. While this has been helpful and will solve part of the problem, it has led to the discovery that the services in many parts of the country are inequitable due to the current funding formula.

Solution

The Independent Living Movement around the United States has come together to resolve this issue. People from all states, large and small, have recommended to Congress that the funding formula be changed to ensure that all states are able to build a network of strong centers. CILs are recommending that a new formula be utilized for the distribution of Part C funds:

- 50% of all new funds to be divided equally among states and territories.
- The remaining 50% to be distributed according to population as currently outlined in law.

Justification

- An equitable sharing of funds ensures that each state's IL network will have an opportunity to grow
- Every state will receive funds to support its unique plan for IL
- Programs will be developed for people with disabilities without regard to where they live in the country
- Highly-populated states will continue to receive a greater percentage of Part C funds

Action

Members of the US Senate and the US House of Representatives are filing bills to change this funding formula. It is important for co-sponsorship in both houses from all around the country.

To co-sponsor legislation in the US Senate, contact Corey L. Rowley @ 801.673.4377. To co-sponsor legislation in the US House of Representatives, contact Kelly Buckland @ 208.334.3800.

Background: Funding Formula

When NCIL first started trying to secure additional funding for centers in 1998, we immediately ran into problems with rural senators and House members who did not want to support anything that would not filter down to their states. This was critical in states where key congressmen represent them--like in Alaska and West Virginia, where the Senate Appropriations Committee chairs reside. They were willing to do something for the centers in those states, but not others. To their credit, the centers from those states unselfishly refused special treatment, citing the need to promote a national network of centers.

Recognizing that we would never get support as long as we used the current formula, Senator Hatch's staff helped NCIL advocates develop a two pronged approach: ask for our increase in increments and adopt a different way of distributing the funds. Currently, funds are given out according to the percentage that the state's population represents in relation to the national population. In other words, California, with 11% of the nation's population always gets 11% of the funds. Sparsely populated states, about 25 of them, are guaranteed a minimum allotment, currently around \$659,000.

Prior to around 1988, states competed with each other for the CIL funds, and the states that were most successful then have been penalized ever since. Even though that minimum allotment rises in relation to the size of the national funding, minimum-funded states cannot get an increase until the minimum funding level passes their current state allotment.

Good examples of this problem are Idaho and West Virginia. Both did well when we had open competition for federal center funding (Title VII Part C). Idaho built its program up to \$696,000 and WV to \$905,000. This year, NCIL was able to convince Congress to give us an 11% increase, which will raise the minimum to \$731,000. For the first time in about fourteen years, Idaho will see an increase, albeit only \$35,000. WV won't begin seeing increases until we raise our allotment by another 25%.

Since we are a national movement, NCIL has been trying to find a way to promote independent living throughout the country. This formula change seems to do that. The formula guarantees that 50% of all NEW funds are divided equally among states and territories and the remaining 50% of the new funds are distributed according to population. No one loses because we are only talking about new money. Texas, which this year will receive over \$4,192,000, will never receive less than that and will always get a larger percentage of new funds than less-populated states. The strength of this effort is that individuals from large states and small have come to agreement on the proposed funding formula. Once this formula change goes into effect, we are confident that a number of congresspersons from smaller, less-populated states will begin favoring increases that they have heretofore not supported. In the long run, the formula change should result in greater increases for all states.

Part IV: Examples of Training Material

Example of Training Material (I)

Learn how to be a 10-Minute Advocate

Tools and resources to help you advocate
for the health and human needs of Utah's families

Sponsored by the Coalition for Utah's Families:

ARC of Utah * Association for Utah Community Health * Catholic Diocese * Coalition of Religious Communities * Community Health Centers, Inc. * Community Services Council * Health Care for All * Episcopal Diocese * JEDI Women * League of Women Voters * Legislative Coalition for People w/Disabilities * MS Society * National Alliance for the Mentally Ill * Provo Community Action Services * SL Community Action Program * SL County Office for the Aging * Utah Children * Utahns Against Hunger * Utahns for Choice * Utah Issues

Some wording is changed for LCPD use

Introduction

You *can* make a difference . . .

Advocacy is already part of your life. Most of us do it everyday. Your experiences speaking up for your child in school, the neighbor or friend in need, etc. will enable you to become a very effective advocate for the needs of Utah's families.

WHY YOU?

No one else can speak for you. Everyone needs to participate, or we truly do not have a democratic government, one that is operated "by the people for the people."

There are four basic steps to becoming involved in the legislative advocacy process. They are:

- Step One:** Choosing and learning about your issue(s)
- Step Two:** Identifying decision-makers
- Step Three:** Understanding the legislative process and
How you can play a role
- Step Four:** Communicating your views

Step 1 Choosing & Learning About Your Issues

First you must identify what issues of concern you want to influence. There are too many different areas for you to attempt to advocate for them all effectively. It can be anything-school system, streetlights, potholes, the waiting list, etc. What concerns YOU about your family, neighborhood, school, community, state, and/or country?

Is the issue a person issue between you and one other person, a community issue, a state agency issue, or will it take legislation to make a difference? The legislature is the hardest place to make a change. At what level can you solve your issue?

What are *YOUR* issues or concerns?

Family

Education

Employment

Health

Housing

Personal

Transportation

Other

Now that you know what you want to advocate for you need to **TELL YOUR OWN STORY** to policymakers. They have never experienced what your needs are. While you do not need to know everything, you must be able to answer the question "why?" Your position should be heard. Learn more about your issue, resources are available such as existing advocacy groups, newspapers, providers of services, etc.

You can reach the *Legislative Coalition for People with Disabilities* by calling 363-3300, ext. 16; by email to: cpowell@utahrise.com; or on the web site at: www.lcpdutah.org.

Step 2 Identify the Decision Makers

Call your local county clerk. Ask for the names of the legislators that represent people at your address.

Beaver . . .	435-438-6463	Iron	435-477-8340	Sevier	435-896-9262
Box Elder .	435-734-2031	Juab	435-623-0271	Summit	435-336-4451
Cache	435-716-7150	Kane	435-644-2458	Tooele	435-843-3148
Carbon . . .	435-636-3200	Millard . . .	435-743-6223	Uintah	435-781-5360
Daggett . .	435-784-3154	Morgan . . .	801-829-6811	Utah	801-370-8128
Davis	801-451-3213	Piute	435-577-2840	Wasatch . . .	435-654-3211
Duchesne .	435-738-2435	Rich	435-793-2415	Washington .	435-634-5712
Emery	435-381-5106	Salt Lake .	801-468-3427	Wayne	435-836-2731
Garfield . .	435-676-8826	San Juan .	435-587-3223	Weber	801-399-8400
Grand	435-259-1322	Sanpete . .	435-835-2131		

If you can get access to the Internet, you can also get this information at

**<http://www.le.state.ut.us>
<http://www.utah.gov>**

You can also call the Senate and House offices for information on bills and Meeting times.

**Senate: 801-538-1035
House: 801-538-1029
Toll Free: 800-622-3367**

Step 3 Understand the Legislative Process

To understand how to influence potential legislation, you must first discover how the legislative process works. The State Legislature is responsible for making and changing state laws, as well as setting funding levels for the executive branch of government (the state budget).

There are two processes that take place:

- 1) **The Appropriations Process decides the state budget** and sets the funding levels for state programs, for example: funding for the waiting list, education, health care, Medicaid, housing, deaf and blind services, employment, etc. This is where your advocacy will take place if you have budget concerns.
- 2) **The Bill Process create or changes state statute** and creates new programs, for example: creating an assistive technology program, the lemon law, changing statute of how funding is distributed to school districts, etc.

Advocacy begins when YOU recognize a need to improve a program, create a new program or change state statute. Begin by talking to advocacy groups and getting others involved. Next, you want to talk to state agency directors. Finally, you take your issue(s) to legislators.

If your issue goes through the **Appropriations Process**, you want to find out which Legislative Appropriations Committee would be discussing your issue. Contact the members of that committee. The appropriation committees that work consistently with disability issues are:

Health and Human Services – Early Health Services, Health Care including Medicaid, Mental Health, and Services for People with Disabilities

Higher Education

Public Education – Education, Schools for the Deaf and Blind, Rehabilitation including Independent Living, Services for the Blind and Visually Impaired, Services for the Deaf & Hard of Hearing, Vocational Rehabilitation

If you are **creating or changing state statute**, you must find a legislator who can support your idea or “carry the bill”. This idea then becomes a bill which needs to pass through the legislative process in order to become law. A bill will be heard and voted on seven times before it becomes a law.

Remember: YOUR VOICE IS IMPORTANT in the legislative process. As few as seven to ten calls can make a big difference.

Frequently Asked Questions

How to I know if my issue is a *bill* or an *appropriation* (budget item)?

Bills passed by the Legislature will change, delete, or add to the laws of the State. The state budget is passed as a bill too, but the process is different. During the General Session appropriations sub-committees put together the pieces of the overall budget, setting the levels and kinds of programs that are available through the various state agencies.

Where can I get legislative information?

Most legislative information can be found on the world wide web (accessible at many public libraries) on the Legislature's vastly improved web site:

<http://www.le.state.ut.us>

You can also follow what's going on at a web site called code-co, a high-quality private subscription service:

<http://www.code-co.com/utah>

Where can I get a copy of a bill?

Use one of the web-based services described above. Or visit the Bill Room at the Legislature, on the 4th Floor of the State Capitol. Copies are 10 cents a page.

How can I follow what's happening to a bill?

§ Read the newspaper. The major dailies run updates each day.

§ Call Legislative Information at these numbers:

Senate 801-538-1035

House: 801-538-1029

Toll Free: 801-622-3367

§ Subscribe to Utah Issues' Legislative Update to get a weekly report on low-income and health and human service bills and budget items:

800-331-5627.

§ Check the Legislative Web site:

<http://www.le.state.ut.us>

§ Check the Legislative Coalition Web site:

www.lcpdutah.org

Step 4 Communicating Your Views

It only takes 10 minutes!

Should you call, testify in person, email, visit, or write policymakers?

It depends on your schedule and what resources you have. If possible, avoid depending on email. Personal visits can make a big difference if you can find the time. No matter what form you use follow these guidelines:

- Always identify yourself by name and address. Perhaps the most important thing you can say about yourself is, “I am a voter in your district.”
- Be brief, informed, and polite.
- Identify the issue, budget item, or bill you want to talk about. Don’t assume they know about it – they have so much to deal with!
- State your purpose for calling and what your position is. Give one or more reasons for your position. It is almost always a good idea to speak from personal experience.
- Tell your own story.
- Always thank them for their time.

Calling

Policymakers pay attention when citizens take the trouble to call and convey their views. Call just before upcoming votes in committee, on the floor, or late in the session. Avoid calling on Sunday, or on Monday evenings.

House: (801) 538-1029 (800) 662-3367
Senate: (801) 538-1035 (877) 585-8824
Governor: (801) 538-1000

Writing

Letters are good early in the session. Write to: Senator / Representative
(your legislator’s name)
Utah State Capitol
Salt Lake City, UT 84114

Fax and Email

House Fax: Republicans – (801) 538-1908 Democrats – (801) 538-9505
Senate Fax: Republicans – (801) 538-1035 Democrats – (801) 538-1449

Visiting

Call ahead and make an appointment. Be on time. Be brief – 10-15 minutes. Respect their schedules. Take a one-page outline – a short written fact sheet – to remind them about your visit and concerns.