



## **Q&A on Proposed Changes to NCSL's By-Laws and Rules of Procedure**

**Why are we again considering new amendments to the By-Laws and Rules?** *(A series of amendments were adopted at the 2011 Legislative Summit.)*

The NCSL Executive Committee has undertaken a two year project to revitalize the policy formation process to ensure that our advocacy before Congress and the administration is clear, concise and targets vital state federal issues. The Executive Committee also mandated that the policy process be as transparent as possible. The 2012 proposed amendments take additional steps to ensure the NCSL policy process meets these goals.

**What was added to the By-Laws to define NCSL's Core Principles?** *(new language is underlined):*

(3) To represent the states and their legislatures in the American federal system of government consistent with support of state sovereignty and state flexibility and protection from unfunded federal mandates and unwarranted federal preemption.

**Why put these core principles in NCSL's By-Laws?**

The core principles enumerated above form the pillars of NCSL's States' Agenda, which guides NCSL's advocacy efforts in Washington, D.C. Making them a part of the Conference's By-Laws provides assurance that NCSL's policy directives and resolutions are not partisan and advocate a balanced role for states within our federal system of government.

**Do policy directives expire/sunset?**

Under the proposed amendments, policy directives will not sunset but must be reviewed by the standing committee with jurisdiction at least once every four years. It will be the responsibility of the steering committee of the standing committees to ensure this review is conducted. With the transition to concise policy directives, standing committee members have eliminated lengthy historical narratives and preambles from existing policies, which primarily were what needed to be reviewed and updated every three years. NCSL's position on state federal issues rarely changes. By ending the mandatory three year sunset date, the committees will have more time to discuss emerging issues and best practices.

**Why is a new process for the introduction of amendments being proposed?**

NCSL's Executive Committee has made it a priority to ensure that NCSL's policy development process is transparent as evidenced by the new 30 day introduction requirement for policy directives and resolutions. As part of the new policy formation process, amendments can be offered to existing policy directives at any meeting. To ensure that all committee members, other legislators and staff, as well as representatives of the public and private sectors have an opportunity to review and react to a proposed amendment, the NCSL Executive Committee recommends that procedures be established in the Rules regarding the introduction of amendments. The current Rules already provide for a transparent review process for proposed policy directive and resolutions. Instituting flexible amendment introduction requirements will provide improved disclosure and transparency in the policy process.

### **What is the proposed process for introducing an amendment?**

- Amendments to existing Policy Directives and Resolutions need to be submitted 30 days prior to the business meeting of the fall, spring or annual business meeting.
- Amendments to new Policy Directives, Resolutions and amendments need to be submitted 10 days prior to the business meeting of the fall, spring or annual business meeting.
- Amendments filed after the 10 day deadline will be referred to the steering committee to determine if the amendment should be referred to the appropriate standing committee for consideration.
- Proposed changes include deadlines for when the amendments need to be made available to committee members and other interested parties.

### **Can new amendments be made in committee?**

Yes. Technical corrections/amendments, that do not change the intent of the underlying policy directive, resolution or amendment, can be offered in committee. Amendments that alter the intent of an underlying amendment may be offered with an affirmative vote of three-quarters (3/4) of the member jurisdictions responding to the most recent quorum call.

### **Can amendments still be offered on the floor of the general business meeting?**

Yes. Filed amendments, not agreed to in committee, and may be considered during the fall, spring or annual business meeting with the consent of 5 member states. Other amendments are not allowed to be introduced on the floor at the business meeting.

### **What are the changes to the Steering Committee's responsibilities?**

The proposed change to the NCSL Rules of Procedure clarifies the role of the Steering Committee in reviewing policy directives and resolutions to ensure consistency with Rule VII [D] and the NCSL Core Principles. The Steering Committee currently performs this duty and the change merely provides a procedure for the Steering Committee by a majority vote of its legislator members (currently, 30 members, 15 from each party) to sustain a Rule VII [D] challenge.

The proposed changes also include new language regarding the proposed amendment process, to provide the steering committee the ability to waive the deadline for amendments submitted after the proposed 10 day.

### **Why the change to the term of office for the legislative staff co-chairs?**

Under the current Rules and By-Laws, beginning with the conclusion of 2012 Legislative Summit the term of the standing committee officers will be two years. However, it has been determined that a two year term would not be beneficial for the legislative staff committee officers. An amendment to the length of term of committee officers only change the term of the legislative staff committee officers from two years to one year. The legislative committee officers will still serve for two years.

### **Who developed these recommendations?**

The NCSL Executive Committee Working Group to Review the NCSL Committee Structure and Policy Development Process developed these recommendations. The working group was created in August 2010 and charged to review the policy process and make recommendations that would result in a "State's Agenda" supporting state sovereignty and state flexibility and opposing unfunded federal mandates and unwarranted federal preemptions. The recommendations were also adopted by the NCSL Executive Committee.