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Utah Legislative Update: June 2017

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The Importance of Engaging Over the Interim:

If I were to write a “how I spent my summer vacation” report, it would have an interesting title and perhaps smell. That is because since the Legislature adjourned, I have been heavily engaged by clients that operate in an important, though sometimes smelly, area of public policy—waste! For a variety of reasons, three different clients whose operations include sewer treatment, solid waste landfills, and medical waste have needed to engage in “off-season” government relations or what we call the legislative interim period. I’m often asked what someone like me does during the off-season when the Legislature isn’t in session. My answer is we get ready for the next session.

Utah’s annual legislative session is only 45 calendar days and is one of the shortest of any state. However, each year legislators file about 1,200 bill requests vying to become law. Between 450-550 bills make it through the legislative process each session in time for the Governor’s signature or veto. But, less than half of bill requests become law. Most bills fail because they run out of time, not because they are voted down by legislators. How do you increase your chances of being one of the lucky bills to make it all the way through the process before adjournment?

There are a number of ways to increase your chances. Sometimes that might mean working with a broader industry group on a consensus bill, other times it might mean ensuring legislators understand the importance of a very technical bill, or it could include recruiting a strong and passionate bill sponsor. For instance, the client engaged in sewer treatment facilities believes it is important for legislators to understand nutrient standards: what those standards mean for water quality, and what the costs may be for taxpayers to achieve certain standards. This nuanced topic with heavy science is better understood and explained when legislators can visit a sewer treatment plant, tour lakes and streams, and hear from experts—something that just can’t happen due to time and weather constraints during the legislative session.

So the “off-season” is not really off so much as the season of preparation for a success legislative session!

Special Election for 3rd Congressional District:

A month ago, I was on a field trip in rural Utah where the Utah Legislature toured a client’s facility. Cell and internet service was very spotty during the trip, but at our client’s facility guest WIFI was available. As legislators re-connected to the guest WIFI they received the news that Congressman Jason Chaffetz would not be running for re-election and might leave office

mid-term. The room was instantly buzzing with the news and speculation about who might throw their hat in the ring to replace him! Congressman Chaffetz has now provided official notice to the Governor that he will resign the 3rd District seat effective June 30, 2017.

Utah has only dealt with a mid-term vacancy one other time in the State's history (due to the death of Congressman Elmer Leatherwood in 1929). State law provides that the Governor shall issue a proclamation calling for a Special Election to fill the seat. The law is vague on additional details, which led to some squabbling between the Legislature and Governor Herbert as to whether a Special Session might be needed. Of course, with a number of legislators interested in running for the seat, the Governor has resisted calls for a Special Session and has issued a proclamation outlining the timing and process. This likely means the Legislature will propose legislation in the 2018 session that will clarify the process, but it won't impact this year's Special Election.

Candidates for the Special Election are on a compressed timeline for going through a party nominating convention and signature gathering process. Candidates can chose to utilize the nominating convention process, signature gathering process, or both, to reach the Primary Election ballot. The Primary Election will be held August 15th along with municipal Primary Elections and municipal General Election on November 3rd. The seat held by Congressman Chaffetz will be vacant from June 30th to November 28th when the final election canvass is complete, though his staff will continue to operate the office and process constituent requests and services.

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