



GOVERNOR'S OFFICE GUIDE

LEGISLATIVE RELATIONS

Office of Management Consulting & Training
2006 Management Note

Founded in 1908, the National Governors Association (NGA) is the collective voice of the nation's governors and one of Washington, D.C.'s most respected public policy organizations. Its members are the governors of the 50 states, three territories and two commonwealths. NGA provides governors and their senior staff members with services that range from representing states on Capitol Hill and before the Administration on key federal issues to developing and implementing innovative solutions to public policy challenges through the NGA Center for Best Practices.

NGA's Office of Management Consulting & Training serves as management consultant to governors and their offices and as NGA's primary liaison to governors' chiefs of staff. The office helps governors lead and manage state government and assists staff in organizing and operating the governor's office. The unit provides these services as part of a state's membership in NGA.

For more information, please visit www.nga.org.

Copyright 2006
National Governors Association
444 North Capitol Street, Suite 267
Washington, D.C. 20001-1512

All rights reserved.

Printed in the United States of America.

Contents

Overview

ORGANIZATION AND STAFFING	1
The Reach of Legislative Relations	1
Factors Influencing Legislative Relations Staffing	2
ROLES AND RESPONSIBILITIES	3
Developing the Governor's Legislative Program	4
Controlling Agency Legislation	5
Presenting the Governor's Legislative Program	6
Drafting Legislation and Selecting Sponsors	6
Providing Testimony and Lobbying	7
Maintaining Relationships with Legislative Leaders and Members	7
Tracking Legislation	8
Reviewing Legislation	9
Signing Legislation	9
Using the Veto	10
Attending to Politics	11
TECHNIQUES AND TOOLS	13
Consulting to Develop the Governor's Legislative Program	13
Reviewing Agency Legislative Proposals	13
Communicating the Governor's Legislative Program	13
Building Member Support for the Governor's Legislative Program	14
Monitoring, Reviewing, and Responding to Proposed Legislation	14
Gubernatorial Action on Passed Legislation	15
FINAL THOUGHTS	17

Overview

Every governor requires legislative support to accomplish his or her policy objectives and plan for the state. Maintaining legislative relations is a vital part of any governor's job and is integral to the success of his or her administration.

Interaction between the governor and the legislature begins the day after the election. Early in the governor's term, individual legislators will begin to lobby on behalf of particular bills, certain board and agency nominees, and other pressing legislative business.

In most states, the governor is responsible for presenting and defending a budget early in the year. Legislation is needed to implement the governor's budget and fiscal priorities, carry out routine government functions, and accomplish many of the governor's social policy goals. The media and public will judge the governor's leadership ability and success, in part, by how well he or she interacts with the legislature and whether the administration's legislative program succeeds in the legislature.

Developing and presenting an executive branch legislative program involves many complex and sensitive tasks, including tracking perhaps hundreds of pieces of legislation. It also requires evaluating and balancing competing interests in a highly political environment and devising a practical view of what is possible. An effective process to craft and implement a legislative program and strategy, as well as cultivate and maintain working relationships with legislative leaders and members, is critical to ensuring the success of a governor's legislative program.

The governor's ability to manage and secure legislation also affects his or her ability to serve as a strong leader of the party. The governor needs to demonstrate good negotiation and compromise skills. An effective legislative relations strategy will focus on the passage of the governor's legislative priorities while supporting or opposing other measures as appropriate from a policy or political perspective.

The inaugural address and the annual state-of-the-state and budget messages are important forums for the governor to call attention to his or her legislative program and appear as an effective voice for the state. The perception of the governor as a strong leader will enhance his or her personal standing with the public and the state bureaucracy and contribute to the administration's success.

Organization and Staffing

The size and political composition of the legislature are important considerations when determining the size and structure of the legislative relations staff. An ineffective legislative relations staff or strategy can alienate legislative support for the governor's policy agenda and encourage competing and conflicting initiatives. This particularly is true in states where the governor's party has a weak legislative majority or is in the minority. However, a legislative majority of the governor's party does not necessarily guarantee smooth sailing for the governor's program. The task of coordinating staff resources to develop the legislative package and manage that package in the legislature poses a challenge to any administration.

The Reach of Legislative Relations

In addition to promoting the governor in a leadership role, an effective legislative relations strategy enables the governor to focus attention on, and secure support for, his or her priority concerns. It also will facilitate communication and coordination with the legislature and avoid interagency conflicts or other agency actions that would be contrary to the interests of the governor and the state.

In addition to promoting the governor in a leadership role, an effective legislative relations strategy enables the governor to focus attention on, and secure support for, his or her priority concerns.

The legislative relations function is emphasized strongly in most governors' offices. The governor may choose to create separate legislative relations positions. Or, he or she may choose to divide the responsibility for this function among various members of the governor's policy staff. Most states have a particular person or team of persons designated to manage legislative relations, though this function will involve nearly all the governor's staff in some capacity. Some states employ a single staff member to coordinate the work of the other legislative assistants and report to the governor or chief of staff. Usually, those serving as legislative relations staff track the progress of legislation, judge the possible outcomes of legislation, and communicate with legislators and interest groups.

Other members of the governor's staff who will be involved in the legislative relations process include:

- the policy advisor, in formulating and evaluating legislation;
- the political advisor, in determining the political feasibility of supporting legislation or assisting candidates;
- the legal counsel, in drafting bills and reviewing proposed legislation;
- the press aide, in arranging announcements with legislators and campaign support; and
- the governor's scheduler, in ensuring the governor can appear at appropriate activities during the legislative session.

Factors Influencing Legislative Relations Staffing

The time the governor and his or her staff spend on legislative relations will depend on the state's legislative calendar and how involved the governor wants to be in the

legislative process and the pursuit of his or her legislative goals. Significant workload considerations are the duration of the legislative session and the volume of legislation, particularly controversial legislation the governor has proposed or must act on during the session.

Because some of these factors are beyond the governor's direct control, the number of persons assigned to legislative relations will vary. These staff positions are determined by how the governor's staff is organized and whether legislative relations is performed by a separate unit of the governor's staff or staff members who also carry out other policy functions.

In some states a core legislative staff is maintained year-round, and temporary employees assist with the expanded workload during the legislative session. In other states, agency staff is formally or informally delegated to work on the governor's legislative program during the session.

Roles and Responsibilities

Governors will face different legislative environments depending on the state's political climate. In some states, the governor's party also will control the legislature; in other states, the opposite party will control one or both houses. The governor's party will be united behind his or her goals in some states, while in others strong differences will be apparent even within the party. Sometimes the legislative leadership will be a part of the governor's team, but other times the governor and key legislators will be strong personal or political rivals.

Each governor must craft a legislative relations strategy that recognizes the political situation in the state (see "Key Steps in Crafting a Legislative Relations Strategy"). This strategy will involve:

- developing the governor's legislative program;
- controlling agency legislation;
- presenting the governor's legislative program;

- drafting legislation and selecting sponsors;
- providing testimony and lobbying;
- maintaining relations with legislative leaders and members;
- tracking legislation;
- reviewing legislation;
- responding to legislation; and
- attending to politics.

An important consideration in designing a legislative relations strategy is to determine the governor's role in the process and who in the governor's office will manage the process. Determining the extent of involvement by the governor, other members of the governor's staff, and agency heads is important in developing the legislative package and managing the governor's program in the legislature. A cohesive strategy will incorporate elements of the governor's style and personal preferences into the process.

Key Steps in Crafting a Legislative Relations Strategy

- ✓ Develop the governor's legislative program
- ✓ Control agency legislation
- ✓ Present the governor's legislative program
- ✓ Draft legislation and select sponsors
- ✓ Provide testimony and lobby
- ✓ Maintain relations with legislative leaders and members
- ✓ Track legislation
- ✓ Review legislation
- ✓ Respond to legislation
- ✓ Attend to politics

Developing the Governor's Legislative Program

In almost all states, the governor will play an active role in developing the legislative agenda for the executive branch. In most states, this agenda will be divided into a governor's program of major proposals formally identified as the "governor's legislative program" and the more routine legislation associated with state government operations. Often the more routine agenda items are managed at the agency level by the governor's appointees.

Establishing a priority legislative program enables the governor to focus attention on the programs he or she wants enacted and assume a leadership role during the legislative session without expending resources on relatively minor issues. The governor's priority legislative program should reflect the governor's priorities and political realities; if the legislation fails, it will be considered a political defeat. Conversely,

the passage of priority legislation usually will signal a political success. In any case, developing the legislative program and establishing priorities are critical first steps.

Ideas and Priorities for Legislative Proposals

Several sources typically contribute ideas for the governor's legislative program. A governor's initial legislative program often is determined before he or she takes office by the positions and policies proposed during the campaign. Subsequent legislative agendas are usually a combination of the governor's priorities and ideas developed and proposed by the governor's policy staff and agency heads and their staff. Legislators and interest groups also can be consulted for ideas (see the next section on Techniques and Tools).

The process used to collect legislative proposals for the governor's consideration can range from accumulating ideas presented in

meetings over the year, to consulting informally with selected people, to calling formally for suggestions and written proposals. In some states, this proposal collection process is managed by an agency liaison staff member. In other states, this function is assigned to a budget or policy unit or the governor's legislative relations staff.

The Legislative Proposal Review Process

When proposals for legislation have been collected, an evaluation will be initiated to examine the ideas and establish priorities among them. The governor is likely to play a major role in this review. In some states, this may involve informal discussions with individuals on priorities. In other states, ideas are submitted to the governor's office for review by the governor and the senior staff. Policy offices also can develop analyses of issues and option papers for the governor's review.

The legislative proposal review process helps identify proposals for the governor's legislative program. This process also helps ensure no agency requests for legislation will conflict with the governor's priorities, budget recommendations, or legislative program. In addition, the review process facilitates the exchange of information among agencies. Specifically, one agency's objections to another's legislative proposal can be considered and weighed before the package is drafted. Proposals also can be discussed in terms of how they relate to one another, their anticipated fiscal impact, and their chances for passage. The result should be a balanced package of gubernatorial priorities and a list of other issues that may be pursued by individual agencies.

When the issues have been selected, they must be communicated to the agencies. Responsibilities for the preparation of legislation also need to be assigned. The technical preparation of legislation may be carried out in an agency or policy office, subject to review by the governor's legal counsel or legislative staff, or delegated to a professional bill-drafting service or other agency within state government.

The link between the administration's policy and budget process helps create a unified approach to developing executive branch legislation based on sound fiscal decisions.

Controlling Agency Legislation

Although most attention likely will be given to broad policy issues, the legislative relations strategy also needs to incorporate a review of more routine legislation requested by agencies. **Central review of agency legislative proposals helps ensure agency heads do not work against one another or the governor in their legislative goals. It also limits the number of bills sanctioned by the executive branch.** In addition, analyzing agency legislative proposals coordinates the executive branch by ensuring agency-requested legislation maintains the direction established in the governor's budget and legislative priorities. In many cases, the governor uses his or her ideas and objectives to set the tone and direction of agency legislative proposals. Agreements also need to be reached on

how agency directors will pursue approved legislative priorities.

In some states substantial central review of agency proposals affords agencies the opportunity to comment on ideas and helps link executive branch policy with the budget process. The link between the administration's policy and budget process helps create a unified approach to developing executive branch legislation based on sound fiscal decisions. The review also can be extended to address positions agencies may be asked to take on other proposals being developed by legislative leaders and members. A central process that includes review of agency proposals and legislative positions can help ensure the development of cohesive executive branch legislation and coordination of the administration's response to other proposed legislation.

Presenting the Governor's Legislative Program

Having developed a legislative program for the state, the governor must present the package to the legislature and the public. The state-of-the-state address can be used to call attention to the governor's priorities and offers a powerful platform to show the governor leading state government. In most states, the annual state-of-the-state message and the message accompanying the budget afford the governor major forums to communicate the administration's legislative agenda. A newly elected governor's inaugural address provides yet another forum for presenting legislative and program pri-

The state-of-the-state address can be used to call attention to the governor's priorities and offers a powerful platform to show the governor leading state government.

orities to the public and legislature. In addition, a governor can call attention to his or her legislative program through special messages, speeches, and a public relations strategy designed to focus attention on the governor's key legislative priorities.

Drafting Legislation and Selecting Sponsors

In most states statute or historical practice determines how the administration submits proposed bills to the legislature. In some states, budget legislation does not require a legislative sponsor, but in most instances the governor's program will need legislative sponsors. The proposal must be drafted into a bill and introduced to the legislature by its sponsor. In some states the bill may be drafted by someone in the governor's office or pertinent agency; in other states bills are drafted solely by legislative sponsors.

Choices for bill sponsorship include individuals in party leadership, key committee chairs, or other legislators who have a good relationship with the administration. **Sponsor selection is important because it signals party or leadership support for a bill.** Working with key legislators and choosing individual sponsors for legislation can be a tremendous boost to the administration in securing passage. By involving legislators as sponsors, governors can reward supportive legislators for past support or lay the groundwork for future ties between them and the administration. The choice of legislative sponsors is even more

important in states where the governor's party is in the minority or maintains only a slight majority in the legislature.

Providing Testimony and Lobbying

The governor needs to establish policies on his or her role and the role of others within the executive branch in securing the passage of legislation. This includes deciding how the governor's staff will promote specific legislative proposals and the role agency heads will play in lobbying and testifying before legislative committees.

In some states the governor and/or members of his or her staff will defend the priority program proposals before legislative committee hearings. In other states this task is left to the governor's cabinet, and the governor focuses on developing public support and intervening privately with individual legislators. Another option is for agency heads to be given considerable discretion to develop their own legislative strategy and testimony for approved legislation. In any case the policy regarding agency testimony and legislative contacts should be reviewed and coordinated by the governor's staff to ensure the legislative bases are covered and eliminate duplication of effort or conflicting signals from the executive branch.

When a package has been introduced, the governor and his or her staff also must be prepared to deal with legislative objections and amendments. Some governors will insist on maintaining the initial proposals without change. Others are open to alternative legislative initiatives that will accomplish similar goals. **Often, there will be pressure to add the special projects or related proposals of individual legislators**

to a popular piece of major legislation or combine proposals to build a stronger coalition of supporters. Although the governor's response to such proposals will vary according to circumstances and his or her own style, it is important to present such proposals to the governor and ensure the administration speaks with a single voice when communicating the governor's response to the legislature.

Maintaining Relations with Legislative Leaders and Members

A new governor's early action on legislative relations is likely to create expectations for the remainder of his or her term. Therefore, activities should be carefully planned at the outset of the administration. Issues to be considered include the degree to which legislators will be given access to the governor, the extent of legislators' involvement in developing the governor's program, and how public announcements of projects or programs of special interest to an individual legislator will be addressed.

Legislative Leaders' Access to the Governor

The importance of legislative leadership to the governor's legislative relations strategy varies among states. The relationship between the governor and legislative leaders can be affected by several factors, including their political affiliation; ideologies; executive and legislative divisions of power within the state, both by law and custom; and the power the legislative leadership exerts over the legislature.

Whatever relationship exists between the governor and the legislative leadership, it

is vital for the governor to maintain some process of consultation and communication. The governor should maintain such relations with the majority and minority leadership, especially where his or her party is in the minority or maintains a tenuous legislative balance.

The governor may want to establish a vehicle to exchange ideas with the legislative leadership and resolve problems as they develop during the legislative session. In many states, it is common practice for the governor schedule regular meetings with the legislative leadership. This can be accomplished through informal breakfast meetings or working dinners at the mansion.

In other states the contacts are less structured, though it is common for governors to provide immediate access through an open-door or call-back policy. **Communication between the executive and legislative branches also is important at the staff level.** Most states encourage networking between the two staffs to facilitate the flow of information and alleviate potential problems. The governor's chief of staff and other senior staff members also can assist in maintaining good relations with legislative leaders.

Legislative Leaders' Involvement in the Formulation of Policy and Alternatives

When politically feasible, the governor may want to involve the legislative leadership in the formulation of policy and legislative alternatives. This can help ensure the passage of legislation by providing the governor advance guidance on provisions to make it "passable" and securing important advocates within the legislature.

Choosing key committee chairs as sponsors and working with them before the legislation is submitted can save the governor's office hours of difficult lobbying later on. The legislation will be drafted with additional regard for political realities and legislative sensitivities, so it already will have a measure of guaranteed support when it is submitted to the legislature.

Relations with Individual Legislators

The governor must decide how he or she will handle relations with individual legislators. This is an important element of legislative relations, because the treatment of members will affect the governor's overall relationship with the legislature.

The policy on individual legislators' access to the governor can range from an informal open-door approach to a more formal system of appointments on request. **The governor's hectic schedule will, in practice, lead many legislators to deal directly with the liaison staff or the executive assistant, especially when the legislature is in session.** In some states, a legislator's access to the governor may relate to the degree of his or her support for the governor's programs. In addition to access, the governor has other courtesies he or she can grant individual legislators to win their support for legislation of mutual interest (see the next section on Techniques and Tools).

Tracking Legislation

Because of the vast number of bills that will progress through the legislative process, a system for tracking legislation needs to be established to inform the governor of the pending legislative agenda. Legislative

tracking information can serve the governor by:

- identifying legislative proposals contrary to, or in conflict with, the governor's interest;
- establishing agendas for leadership meetings;
- scheduling testimony, lobbying, and public information activities on behalf of the governor; and
- warning the governor about key priority measures that need special attention.

Most governors have established an automated system for tracking legislation (see the next section on Techniques and Tools). The governor also will be kept aware of the progress of legislation informally through personal contacts between his or her staff and legislators. These contacts are especially important to gauge the mood of the legislature and what action legislators can be expected to take on a specific measure.

Reviewing Legislation

Executive review of legislative actions is a critical step. Especially near the end of the legislative session, many bills passed by the legislature will require gubernatorial action. **The governor needs to establish a reliable and systematic review process to determine whether to sign or veto a bill.** This system can consist of a formal bill review procedure or a less rigorous analysis by key staff. Decisions to sign or veto, however, need to be based on a careful and thoughtful examination of the central ele-

ments contained in the legislation (see next section on Techniques and Tools).

For major legislative actions, the governor may want to give those persons whose recommendations differ from one another, especially agency directors, an opportunity to make their case. These discussions can help the governor decide whether to sign the bill or can be used as a courtesy after a tentative decision is made. The governor also may want to call persons who agree with his or her decision to ensure supportive statements. **The documentation created during this review process for any approval or veto message can be an important part of legislative history and provide valuable guidance to those charged with implementing new legislation.** It also may be used in future litigation. As a result, it is important for the record of the process to be as complete and accurate as possible.

In some cases, the governor will be asked to take positions on pending legislation before final action. Because it may be difficult to reverse these positions following final passage, governors may want to use a similar review process in deciding how to respond to these requests.

Signing Legislation

The governor must sign bills into law, and he or she likely will sign into law most of the bills the legislature passes. Governors can use ceremonies to sign important legislation or legislation that has a defined interest group; draw attention to his or her accomplishments; and garner support for effective implementation of the legislation (see next section on Techniques and Tools).

Not every piece of legislation will require a signing ceremony with media coverage, however. Especially at the end of the legislative session, a large number of legislative items await gubernatorial action within time limits set by statute.

All states have established requirements as to when and how a governor must act on legislation passed by the legislature. These requirements may differ depending on how close to adjournment the legislation is passed. Some states have statutory requirements for the governor to act on all bills presented to him or her. In other states if the governor does not sign or veto a legislative item, it automatically becomes law after a specified number of days. States vary in their treatment of legislation passed at the end of the legislative session. In some states legislation dies if it is not acted on; in others legislation becomes law unless the governor vetoes it.

Where automatic approval takes place after a certain number of days, not signing legislation is a way for a governor to enable legislation to become law unceremoniously. This alternative can be used for uncontroversial legislation or legislation on which the governor does not want to take a public stand. **The governor should understand at the outset of the administration the constitutional and statutory provisions regarding bills not acted on by the governor.** This understanding can avoid embarrassing situations.

Using the Veto

The governor's veto power can focus attention on critical issues, and the veto message can mobilize support for the governor's po-

*The veto power
was not designed
to be used on a whim.*

sition and identify legislative deficiencies that must be corrected in future versions. A governor's decision to veto a bill even before it passes the legislature can have important legislative implications. This form of public pressure by the governor may serve to kill a bill so the governor does not have to use the veto. Legislative sponsors may decide not to go through the process of building a legislative majority if they believe they cannot also override the governor's veto. However, the threat of a veto may increase the possibility of passing a bill that is politically popular but questionable on its own merits by enabling legislators to vote for a bill without seeing it become law.

The veto power was not designed to be used on a whim. Historically, governors have used this powerful executive authority sparingly. Some governors may leave office without vetoing more than a few legislative proposals. Because methods for overriding a veto exist in all states there is ample opportunity for embarrassment at the hands of the legislative process. A veto decision should be made when it can be reasonably assumed the veto will be sustained or the governor wants to send a strong message about his or her personal position.

Although all states provide the governor with veto authority, states vary in the scope of authority conferred on their chief executive. In some states the governor pos-

sesses full veto and line-item veto power. In other states statutory restrictions inhibit the governor's use of the veto. These include restrictions on the type of legislation that can be vetoed and the ways the veto can be overridden. The decision to veto should be made with a thorough understanding of the bill, the political environment, and the statutory constraints.

Attending to Politics

As chief executive of the state and the leader of a state political party, the governor often will seek to secure a supportive legislature by taking an active role in state primary and general legislative elections. The governor can become involved in legislative races by campaigning directly for the party's candidates, helping to raise money for candidates, or offering the technical assistance of the governor's party organization or political supporters to favored candidates.

There are drawbacks if the governor becomes very involved in primaries, including the possibility the candidate the governor supports may lose and the possibility the primary elections could become divisive and threaten party unity for general elections. The governor could choose to campaign actively for his or her party's candidate only in the general election to strengthen party unity with legislators of the same party and increase party strength within the legislature. **Although election activity is both appropriate and expected, the governor may want to limit his or her direct involvement to general elections to avoid appearing too partisan and risk alienating legislators of the opposite party, especially in states where the opposing party is in the majority.** Such decisions must reflect the governor's own preferences and the politics and customs of the state.

Techniques and Tools

Governors possess powerful techniques and tools to craft their legislative program and ensure agency legislative proposals align with their priorities. The inaugural address, state-of-the-state address, and budget message are excellent forums to communicate and build momentum for the executive branch's legislative agenda. Good relations with individual legislators can be facilitated by the numerous courtesies governors can extend. Governors also have specific systems to monitor and review legislation and use different tools to communicate their thoughts and actions on a bill.

Consulting to Develop the Governor's Legislative Program

As a first step toward formulating a legislative package, the governor often will request suggestions and proposals for a policy agenda. He or she can consult various sources to develop this list, including: the governor's campaign promises, the governor's senior staff and office of policy development, agency heads, legislative leaders and individual legislators, and interest groups.

Governors also can obtain policy ideas for their legislative program from discussions at national and regional meetings and through information provided by the National Governors Association Center for

Best Practices on successful policy initiatives being pursued in other states.

Reviewing Agency Legislative Proposals

In most states the review of agency legislation begins with the design and communication of a schedule for the submission of legislative recommendations. This usually is done by the governor's legislative relations or policy staff. Agency-suggested legislative proposals should include information about procedural requirements, such as the submission of draft bills, and explanatory and fiscal comments. **Many governors' offices establish guidelines to ensure agency bills are submitted to the governor well in advance of the legislative session to enable sufficient time to determine any conflicts and report findings to the governor.**

Communicating the Governor's Legislative Program

The governor has three tools to communicate his or her legislative program to the press and state citizens: the inaugural address, the state-of-the-state address, and the budget message.

For a new governor the **inaugural address** is intended to create a blueprint of the ma-

rior priorities of his or her administration. Many of these themes are derived from campaign speeches and the new governor's goals for the state. Specific financial and legislative proposals typically are not presented in the inaugural address. The inaugural address provides an ideal opportunity to announce policies and themes to be pursued by the governor. This address can be effective in setting the tone for the new administration.

The **state-of-the-state address** is the governor's report to the legislature on the condition of the state and the actions the administration intends to take to address priority concerns. Often this speech is used to convey the substance of the governor's legislative proposals, including general legislative goals and/or specific objectives. In some states the governor, either by statute or tradition, combines the state-of-the-state speech with the budget proposal, but usually these are presented separately.

Whether delivered in person or in writing, the **budget message** highlights the governor's budget recommendations. Through this message, the governor reviews the state's financial condition and outlook. The governor can use the budget message to detail any proposed tax changes and highlight recommended expenditure cuts or increases for the state. The budget message should be tied closely to the governor's legislative package. This will enhance the chances for adoption of legislative and budgetary proposals.

Building Member Support for the Governor's Legislative Program

To garner support for the legislative program or ward off any opposition, the governor can grant or deny certain courtesies to individual legislators, including:

- sharing announcements or other publicity regarding actions affecting a particular part of the state with the legislator(s) from the area, members of the governor's party, or legislators who have supported the governor's programs;
- inviting legislators to participate in the development of legislative proposals;
- endorsing other initiatives sponsored by individual legislators;
- involving individual legislators in bill signings or other press events;
- expediting special requests by legislators on behalf of constituents, including special events at the governor's mansion, tours of the governor's mansion, and pictures of the governor; and
- informing legislators in advance of program budget actions, executive appointments, and other events of interest to them.

Monitoring, Reviewing and Responding to Proposed Legislation

Because of the complexity of the legislative process, most governors rely on a formal automated legislative monitoring system with clearly defined products. Although

tracking systems vary considerably among states in detail and sophistication, they can include information such as:

- reports identifying bills by title and number or subject;
- the current status of a bill, such as committee assignment, legislative hearing dates, bill reports, or floor action;
- the scheduled date for a bill's next action (vote, committee hearings, etc.);
- legislators who are supporting or opposing the legislation and those who have not taken a position; and
- a summary of past successes or failures of similar legislation.

Alternative methods used to monitor legislation include the use of legislative relations staff working in the governor's office and agency and/or budget staff working on specific issue areas. In many states the legislative tracking process has been simplified through commercial and/or legislative bill-tracking services. In other states the governor can rely on state computer capabilities that facilitate the sharing of information on new legislation, the legislative calendar, and legislative actions that have been taken. Some state legislatures have begun providing such information on the Internet.

Most gubernatorial office systems for reviewing legislative bills include the historical and political characteristics of the proposed legislation, including a brief legislative history, tally of legislators voting for or against the bill, and comments or rec-

ommendations by affected agency heads and interest groups. They also may consider prior legislative actions in the policy area, the governor's public positions in this policy area and partisan views, public opinion poll data in the policy area, mail received on the bill, and comments and recommendations by the governor's key staff.

A governor's response to introduced legislation that is being monitored and reviewed will vary according to circumstances. It is important to have a mechanism to present legislative proposals to the governor and to ensure that the administration speaks with a single voice when communicating its position to the proposed legislation.

Gubernatorial Action on Passed Legislation

Governors can use three tools—a veto message, transmittal message, and signature message—to communicate his or her thoughts and actions regarding legislation that has secured passage through both legislative chambers. In a **veto message**, the governor explains why he or she has decided to veto a bill. The obvious benefit of using a veto message is to provide the governor an opportunity to articulate problems with the bill. A secondary benefit of the veto message is to prepare the governor to meet any attempt by the legislature to override the veto. Because the governor's position is clearly stated, he or she leaves little room for interpretation. Any attempt to override or openly criticize the decision must address the governor's position. The veto message is important as a historical and political document. The governor's legal counsel typically plays an important

role in drafting this message (see the *Governor's Office Guide on the Legal Counsel*).

A **transmittal message** is used when legislation is enacted without the governor's signature. This tool can be used when the governor has reservations about the bill but has decided to allow it to become law. The transmittal message is an opportunity for the governor to communicate to the public and the legislature that the bill, as written, may be subject to interpretation. The transmittal message can explain the governor's interpretation of the bill.

When the governor is signing a bill into law, he or she will use a **signature message**. The signature message anticipates legal challenges to the bill and provides an explanation of the governor's interpretation of the bill. A signature message contributes to the legislative history of the bill, thereby guiding the judicial system. A public signing ceremony can:

- focus public thinking on an important issue that has received legislative attention;

- present the governor as a victorious leader when a priority legislative initiative is passed;
- mend fences with legislators after a legislative struggle by presenting the major players behind the governor; and
- reward sponsors and supportive legislators and interest group representatives by sharing the moment with them.

Time constraints will prohibit bill signing ceremonies for all but the most important legislative items. However, some governors schedule an hour or so periodically for signing many pieces of legislation and invite particular groups and legislators to attend. The governor may visit briefly with these people and conduct several short ceremonies. In this way, rewards for support are accommodated and photo opportunities can be offered without severely encroaching on the governor's busy schedule.

Final Thoughts

The legislature is a separate branch of government, and it often will function as a competitive force against the governor's objectives. To minimize this situation and ensure maximum cooperation, it is imperative for the governor to identify and use all available techniques and tools for dealing with the legislature. A governor's ability to influence the legislature will depend on factors such as legislators' perceptions of the governor's ability to sway public opinion; personal relations be-

tween the governor and legislative leaders; relationships between the governor and individual legislators; and the skill of the governor's legislative relations staff. Although the executive and legislative branches may be constitutionally separated, the realities of governing require their cooperation. It is in the best interests of the governor, the legislature, and the state cooperation to be maintained to ensure the best balance in governing.