

Locate Your Opponents Before You Start Digging

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We usually think that getting an underground damage prevention bill passed means convincing enough legislators to vote for it. But that is not the whole story.

out, not pass, legislation. It is far more important that affected groups offer little or no opposition than to have many groups in support. Opponents of a bill have lots of

you have to get the majority of legislators to support it. Here is how the typical legislative process works.

chances to kill it, because they only need to get one or two legislators against it while

First you have to find a legislator willing to serve as author of your bill. It would probably be better to get two - one from each party so that one party won't be as likely to shoot down your bill. Now do the same process in the other chamber because you have to start with two bills, one in the House and one in the Senate.

Once introduced, your bills are assigned to one or more committees or subcommittees where legislators can shoot it down or committee it to death. This happens in both chambers of the legislature.

Are you starting to get the picture? It is as important to take precautions that there will not be anyone intent on shooting it down than to have a number of legislators supporting your bill because it is literally a target at many stages of the process where one firm (powerful) voice can stop it.

The secret of success is to get every group who could be affected by the bill to support the bill or at least be comfortable enough with it to not oppose it. This can only be done by involving them from the very first work on the bill. Every meeting you have without them is a nail in the coffin of your bill. The later they find out about it, the more vigorously they fight it. If sprung on them at the last minute, they can resort to legislative stall techniques to give them time to study the bill - or if you really made them mad, kill the bill.

Having said that, let's keep following the gauntlet our bill is traveling.

If the chairperson even consents to have the committee hear the bill, (any chair

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January/February 1996

Realize that the system is designed to weed

1996 Legislative Outlook

1996 is shaping up as an active year for legislation activity related to underground facility damage prevention on both the state and federal levels.

At press time, there have been 16 responses to a mid-January survey of state pipeline safety administrators which indicate that legislation has been, or will be introduced in 11 states for the '96 session and in three states for the '97 session. Legislative action has been rumored in several states which have not yet responded.

The topics covered in the state bills at present include:

- Grant enforcement power over excavators to a state agency;
- Establish an enforcement agency with jurisdiction over all groups;
- Raise penalties;
- Require all natural gas distribution companies to become One-Call members;
- Require all excavators to participate in One-Call program;
- Move enforcement to a more-appropriate state department;
- Elimination of the One-Call system;
- Give fines collected for One-Call violations to enforcing agency;
- Elimination of multiple One-Call centers to having one state-wide center with one 800 number.

In one state, a bill introduced in 1995 and passed in January 1996 requires all oper

ators of underground facilities to be One-Call members.

At the federal level, two bills have been introduced and one more bill may be introduced.

Representative Pallone (D-NJ) re-introduced his 1994 bill in early 1995. That is the bill that never got a hearing in Representative Shuster's Committee. Rep. Pallone then introduced a variation of that bill into the Commerce Committee by changing language such as "Secretary of Transportation" to "Secretary of Commerce" and specifying "Interstate Communication" instead of "Interstate Transportation". This bill, HR 2482, will reportedly receive a hearing in Rep. Schaefer's (R-CO) Commerce Subcommittee on energy and power.

The federal bill that may be introduced is a Transportation Department bill which should be similar to the goals of the Pallone bills. At last report, the language was being reviewed by the Office of Management and Budget. No copies have been available.

If you have, or are in need of legislative information, please let us know. Contact:

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Legislation

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can kill your bill simply by not letting it be heard) it has to get enough support to pass. Committee members have a good chance to shoot it down here by using some of the ammo the opponents give them. If your bill passes, the bill may be referred to other committees impacted by the bill. Non-supporters get another chance to shoot it down in those committees. The same process is happening in the other chamber.

There are often deadlines by which your bill has to pass a major policy committee in at least one chamber or it is dead for the session. It also has another deadline to meet to be out of all committees or it is dead.

Once out of the committees, it goes to the floor where it is a target of any legislator who couldn't get a shot at it in commit

tee. This also happens in both chambers. One clean shot can kill your bill regardless of all the supporters it has.

After passing on the floor of both houses it goes to a conference committee who work out differences in the two versions of the bill. Even if your bill didn't get killed yet, it could have been wounded with amendments. Are you appreciating the need to avoid opponents?

After the conference committee comes up with compromise language, and assuming there is still time left in the session, the revised bills go back to both chambers to be voted on (shot at) again. If they survive passage, the bill goes to the Governor who has time to look it over and decide to sign or shoot it down with a veto, or at the end of the session, let it die by neither signing nor vetoing.

Your challenge, if you really want a bill,

is to get all the detractors together first and listen to their reasons for opposition. I mean really listen. You must meet their legitimate needs before they will stop fighting. Only when it becomes apparent you care about them and the constraints they face, will they be cooperative to solve the real problems and drop all the other objections they have developed for their fight with your bill.

This is not compromise. It is seeking acceptable alternatives. If the bill is to work it must be acceptable. If you write a good bill that all groups can support, anyone who violates the law is isolated. They cannot get support from their buddies. They are pretty much forced into compliance. And isn't that our ultimate objective?

So call before you start digging in the legislative arena. Do your research thoroughly. Locate your opponents and work around them very carefully.



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