

ARIZONA CORPORATION COMMISSION POLICY & PROCEDURES

IMPLEMENTATION DATE: DECEMBER 21, 1999. REVISED AUGUST 6, 2003.

SECT. 2.1.6

LEGISLATIVE CONTACT POLICY & PROCEDURE

PURPOSE: To coordinate the Arizona Corporation Commission’s (ACC) legislative activities and representation at the Legislature.

AUTHORITY: Powers and Duties of the Executive Secretary (ARS § 40-105).

APPLICABILITY: Applies to all Arizona Corporation Commission employees.

POLICY: The Executive Consultant for Government Affairs serves as the “designated public lobbyist” — the person who is designated as the ACC’s single point of contact for the purpose of fulfilling the registration and reporting requirements with the Secretary of State.

Only personnel authorized by the Executive Secretary, Deputy Executive Secretary, Division Directors and Executive Consultant may lobby on behalf of the ACC. (If you are unsure of your status, please contact the Executive Consultant.) Under state law, the Commissioners, who are duly elected officials, are exempt from lobbyist registration requirements.

“Lobbying” means attempting to influence the passage or defeat of any legislation, including appropriations measures, by directly communicating with any legislator. “Lobbying” does not include interagency communications among state employees or communications between a public official, public employee, public lobbyist and any state employee or state officer except a legislator.

PROCEDURE:

- I. ACC Legislative Agenda
 - A. Any ACC legislative agenda — which may include a Commission position on both legislative matters and legislative proposals — shall not be acted on by ACC staff until its has received approval by a majority of the Commissioners.
 - B. The formal process for seeking approval — including substantive modifications to positions or proposals — shall be through open meetings of the Commission.
 - C. Changes to the legislative agenda are at the discretion of a majority of the Commissioners.
 - D. The Executive Consultant, in conjunction with the Executive Secretary and the appropriate Division Directors, shall administer the ACC legislative agenda.

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- II. Coordination of Information and Testimony
 - A. The Executive Consultant shall advise Commissioners or Division Directors when information or testimony is required.
 - B. During a regular or special legislative session, the Executive Consultant is responsible for obtaining and circulating all ACC-related legislation to Commissioners and appropriate ACC staff.
 - C. The Executive Consultant shall coordinate all testimony before legislative committees from ACC staff. ACC staff, other than Commissioners and their advisors, shall testify on behalf of the agency only at the request of the Executive Consultant, Executive Secretary, Deputy Executive Secretary or Division Director. For coordination purposes, a Commissioner should attempt to contact the Executive Consultant if he or his advisor plans on testifying before the legislature.

- III. Contact with the Legislature
 - A. ACC staff may not initiate contact with legislators or legislative staff without first advising their Division Director, who shall then notify the Executive Consultant.
 - B. ACC staff shall report contacts initiated by legislators or legislative staff to the Executive Consultant. When meetings with legislators are requested or testimony is requested at hearings, ACC staff shall give prior notice so that the Executive Consultant can attend.
 - C. When an ACC staff person receives a legislative request for information or constituent assistance, he or she shall document the request with copies forwarded to the Division Director and Executive Consultant. The Executive Consultant, in conjunction with the appropriate ACC staff, shall respond on behalf of the Commission. Unless directed by a majority of the Commissioners, the response of the Executive Consultant shall be informational only.

- IV. Interaction with Stakeholder Groups
 - A. ACC staff shall notify the Executive Consultant regarding their involvement in “stakeholder” meetings that lead to legislation. If possible, ACC staff shall give prior notice so that the Executive Consultant can attend the meeting.

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- V. Development of ACC Legislation
 - A. ACC staff needing to propose legislation shall complete the attached *Proposed Legislative Development Form* and return it to the Executive Consultant.
 - B. Once the form is reviewed by the Executive Consultant and Executive Secretary, the Executive Consultant and appropriate staff shall present the legislative proposal, if warranted, to each Commissioner.
 - C. Formal approval, modification or rejection of the legislative proposals by a majority of the Commissioners shall take place at open meetings of the Commission.

- VI. Review of ACC-Related Legislation
 - A. The Executive Consultant shall circulate all ACC-related legislation to the Commissioners and appropriate ACC staff.
 - B. All reviews of legislation shall be conducted on a form (see attached *Legislative Review Route Slip*) supplied by the Executive Consultant. Review of such legislation shall be completed by a time specified by the Executive Consultant.
 - C. At their discretion, the Commissioners may adopt positions on pending legislation or on budget issues in “publicly-noticed” Commission staff meetings.
 - D. The official position of the Commission, articulated by the Executive Consultant and other ACC staff, may be determined by a majority of the Commissioners in “publicly-noticed” Commission staff meetings.