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## 2016 Utah Legislative Session - February 17

### Insight — February 17, 2016

Last week, I had a client call me with concerns about a bill that was potentially damaging to their business operations. The client wanted to know how serious a threat the bill really was and the likelihood of its passage as currently drafted. Essentially the client was asking for a threat assessment. This is an analysis the Government Affairs team engages in daily as we do our review of legislation. I review every single bill as it is numbered and make an initial determination of whether the bill has any impact to our government affairs clients or other areas of policy we've been asked to keep an eye on. Often a bill might be referred to the client's attorney for a deeper analysis of impact. For a list of bills that have caught our interest for a variety of reasons, [click here](#).

Once a bill has been identified as having client impact, a second analysis begins to determine the size of the threat the bill presents and tactics that can be employed to deal with the threat. There is a lot that goes into this analysis that wouldn't necessarily be apparent to the average observer. For instance, the bill this particular client called about is sponsored by a freshman legislator who would typically be seen as a weaker sponsor, as freshmen haven't had time to develop the policy expertise, relationships, and legislative tactics that a more seasoned legislator might have. The client hoped this bill could be easily handled based on the sponsor. This is where a lobbyist's expertise in the political process can be invaluable.

While the sponsor of this particular bill is indeed a freshman, the backstory to the bill he is running is that he is doing so on behalf of the Speaker of the House. It is legislative tradition that neither the Speaker nor President sponsor legislation, but it is common to designate a key lieutenant to sponsor a bill when they want something addressed. Such is the case with this particular bill. In addition, this particular freshman is seen as one of the rising stars of the freshman class. He is very bright, well liked and already a confidant of the Speaker. As I advised the client, these factors added up to a bill that would need to be handled delicately. This bill has a high chance of passage and therefore the tactics employed would need to address possible amendments and compromises. Luckily, we have a team in place to provide expertise on this issue, we're already working to develop the relationship of trust with the sponsor that would allow us to be successful in mitigating legislative impacts for this client.

A similar analysis is done whenever we are proactively running legislation for a client. Choosing a strong bill sponsor is a significant factor in the ultimate success or failure of any piece of legislation. Some of the selection factors might include: membership in the majority party, being perceived as a subject area "guru," being a good presenter and debater,

length of service, general reputation, bill load, priority drafting status, and being a member of legislative leadership. For instance, Sen. Evan Vickers (R-Cedar City) is the only pharmacist currently serving in the Utah Legislature. He is widely respected across party lines for being an expert on all issues drug related and is also know for being mild-mannered, well liked, and a rational thinker. Anyone running legislation that touches on drug or medical policy hopes to secure Sen. Vickers as a sponsor, floor sponsor, or co-sponsor. If Sen. Vickers isn't supportive of your bill in an area where he is the legislative "guru" it can cost you not just his vote, but also the votes of 5-8 Senators and 10-15 Representatives who depend on his analysis of a policy area that they don't know very well.

In a short legislative session like Utah has, threat assessment and bill sponsorship are critical parts of the political process that can make or break a client's success or failure politically. The Holland & Hart Government Affairs team has the expertise, insider knowledge, and tactical skills to help clients have a winning legislative experience no matter the issue.

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