



Campaign Method for More Effective State Government Affairs

Day 1: How to Successfully Lobby State Legislatures
Day 2: How to Successfully Lobby State Regulatory Agencies

Robert L. Guyer
Engineering THE LAW, Inc.
www.lobbyschool.com

Why do I get a course workbook?

This workbook will allow you more time **thinking** about what I am saying by lessening the time you spend **copying down** slide contents. Over the next two days you will receive more information than most anyone could assimilate, much less write down: up to 200 pages of workbook, 450 slides, 11 pages of classroom activities, checklists and the like. I give you this workbook so that you can give more time assessing your new skills, “now it makes sense” moments, and the many illustrative stories I will give you from my own personal lobbying experiences,

This notebook will be useful to you as you advocate for your issue.

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The Campaign Method for More Effective State Government Affairs

Day 1- How to Successfully Lobby State Legislatures

"No man's life, liberty, or property is safe while the legislature is in session."
 Mark Twain

<u>Time</u>	<u>Workbook Page</u>	<u>Topic</u>
8:00 – 9:30		Introduction
	1	Overview of the Campaign Method and Seminar
	4	Lobbying: What, Why, Who, Where, and When
	14	Effective Lobbying
	22	Assessing and Increasing Political Strength
9:30 – 9:45	29	<i>Activity 1 Assessing Your Political Strength</i>
9:45 – 10:15	30	Building Your Lobbying Organization
	38	Crafting Your Bill and Supporting Materials
10:15 – 10:25		Break
10:25 – 12:00	43	Legislative Staff
	48	<i>Model Legislative “Leave Behind”</i>
	52	Legislative Procedure
	57	Committees and Caucuses
	60	Committee Testimony
	62	Legislative Ethics
	66	Campaign Contributions
	71	Special Interests and Coalitions
12:00 – 12:15	78	<i>Activity 2 Coalition and Alliance Building</i>
12:15 – 12:45		Lunch - Doug Mann, Littlejohn and Mann
12:45 – 1:30	79	Legislative Negotiation
1:30 – 2:30	93	<i>Activity 3 Competitive Negotiation</i>
2:30 – 2:40		Break
2:40 – 3:30	97	Contract Lobbyists
	110	Lobbyist Job Performance Evaluation Checklist
3:30 – 4:00	112	Motivating Lawmakers
	118	Getting and Keeping Votes
	127	<i>10-minute Constituent Lobbyist Checklist</i>
4:00 – 4:30	135	<i>Activity 4 “3-minute in the Hallway” Lobbying</i>
4:30 – 4:45	137	Actions After the Committee of First Reference
4:45 – 5:15		Day 1 – Q&A, Summary, and Evaluation

Day 2 – How to Successfully Lobby State Regulatory Agencies

“What the legislature *giveth* an executive agency can *taketh* away.
And what the legislature would not give you, an executive agency might.”
Robert Guyer

<u>Time</u>	<u>Workbook Page</u>	<u>Topic</u>
8:00 – 9:25	145 149 154	Constitutional and Political Foundations Agency Model and Structure Agency Powers and Actions
9:25 – 9:40	163	<i>Activity 5 Agency Actions</i>
9:40 – 10:10	164	Agency Advocacy
10:10 – 10:25		Break
10:25 – 10:45	173	The Lobbying Visits
10:45 – 11:15	181	Rule Development and Adoption
11:15 – 11:35	192	<i>Activity 6 Agency Lobbying</i>
11:35 – 11:45	194	Responding to Agency Rule
11:45 – 12:00		Day 2 – Q&A, Summary, and Evaluation

Does the Methodology Work?

“Bob Guyer's course contributed substantially to my lifelong study of advocacy and was the best CLE accredited course that I have taken, bar none, in my 39 years as a government relations consultant.”

Ron Kuehn, Esq.

DeWitt Ross & Stevens S.C.
Madison, WI

“While I am a lobbying veteran, the workshop and book provided me with a fresh perspective on advocacy. Mr. Guyer's clear structure and methodology for an effective lobbying campaign added to my own effectiveness with the legislature contributing to me being ranked one of the five best lobbyists in the state of Florida.”

Desinda Wood Carper, Senior Legislative Advocate (former)

Florida League of Cities

“Not only has Bob Guyer written THE BOOK on lobbying at the state level... his seminars are of exceptional value for seasoned government affairs specialists and novices alike.”

Ron Myers, Esq., Speaker Pro tem (former)

Washington House of Representatives

“The Campaign Method of Lobbying took us from PITIFUL towards POWERFUL in just 3 years! I believe Bob Guyer's Campaign Method can work for any organization serious about impacting the legislative process. It made a real difference for me in developing a successful game plan for our association.”

Dr. Susan Lockwood, Executive Director

School Superintendents of Alabama

“WASLA leaders and staff attended Robert L. Guyer's Learn to Lobby sessions on Regulatory Agency lobbying and State legislation lobbying. The preparation was invaluable for legislative success in 2009 session, including forging an ongoing support coalition among allied professionals. I highly recommend the Lobby School.”

Matt Mathes, ASLA, Past Chapter President

Washington Society of Landscape Architects

“Our participants, from seasoned lobbyists and attorneys to novice members who had never been to Tallahassee, found your program invigorating and full of useful facts, processes, and systems. We particularly appreciate the organized and targeted approach to lobbying, both in your presentation and in the guidebook, that helped us improve our skills step-by-step... We could hardly wait to meet with our legislators and use our new skills!”

Gary Scarboro, Director of Education/Government Affairs

Apartment Association of Greater Orlando

Faculty

Robert L. Guyer, Esq. established **Engineering THE LAW, Inc.** (ETL) in 1997 and serves as its President. Engineering THE LAW, Inc. increases the state lobbying capabilities of corporations, associations, and individuals through teaching the skills necessary for effective state government affairs.

Prior to establishing ETL, Mr. Guyer served in the law department of the Ralston Purina Company as Legislative Counsel and Assistant Director, State Government Affairs. He was Manager of Legislative Affairs for Energizer Power Systems, a subsidiary of Eveready Battery Company, Inc., Legislative Affairs Manager for Gates Energy Products, Inc., a subsidiary of Gates Rubber Company, and, as a contract lobbyist, Director of Legislative and Regulatory Affairs for the 501(c)(4), Rechargeable Battery Recycling Corporation.

He chaired the Legislative Committee of the Portable Rechargeable Battery Association (PRBA), an organization of the world's top manufacturers of cordless electronics. He managed PRBA's lobbying activities in 20 states and Washington, D.C.

Mr. Guyer authored *Guide to State Legislative Lobbying*, the textbook on effective state advocacy. Numerous individuals, associations, corporations, and universities use his book and materials for teaching and implementing successful advocacy.

As a partner in the Washington, D.C. law firm of Guyer, Bagby & Zimmerman, he specialized in environmental law and international product stewardship. He has personally lobbied successfully for laws or agency rules in numerous states, in Washington, D.C., and Canada. Other government affairs experience was gained in local government, electric utility industry, as an enforcement officer in a regulatory agency, and internationally.

As a visiting professor at Florida State University, Mr. Guyer developed and taught the graduate course *Lobbying* in the Masters program in *Applied American Politics*. He has also lectured at Harvard Medical School and at the University of Florida.

Twenty four states accredit or have accredited the seminar(s) for continuing legal education for attorneys. Other professional associations have accredited the seminars for continuing professional education.

Mr. Guyer holds Juris Doctor, Bachelor of Science in Civil Engineering, and Bachelor of Arts degrees. He is admitted to the practice of law in Florida and the District of Columbia.

*He teaches from a profound belief in the validity of the structure for US government as given by the founders. Their system acknowledges the corruptibility of the human soul and the consequential hazard of concentrating power in the few. And so with an evangelistic-like zeal he seeks to increase effective participation by the many regardless of their politics believing that only with many **well-equipped** voices will democracy achieve its best for all.*

Custom Seminars
Built Around Your Issue
Presented at a Time and Place of Your Convenience.

Most of our advocacy training classes are customized and given to organizations. These custom seminars can be presented to your group at a time or place of your convenience. Our seminars can be built around your legislative or executive agency issue.

Half-day, 1-day, and 2-day custom versions of the *How to Successfully Lobby State Legislatures* seminar, half-day *How to Successfully Lobby State Regulatory Agencies* seminar, and short courses on legislative and executive agency lobbying are available.

The seminars increase participants' confidence, effectiveness, and probabilities of winning in the state legislature and with agencies by supplying the information, insights, and skills to design and implement a successful state lobbying campaign.

We would be pleased to present a proposal to your organization for specialized advocacy training. Your group will find the seminars interesting, empowering, and entertaining. If we can assist you please contact:

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Campaign Method for More Effective State Government Affairs

- Theme – better organization, planning, discipline, execution lead to greater success
- “Tool Box” – methods, checklists, how-to skills, strategies
- Works in all states due to commonalities –
 - US constitution sets framework for all states
 - lawmakers’ ambitions
 - “making a sale” is ultimate goal
- Results – *improved* probabilities of getting what you need from state government

Campaign Method Overview – Legislative

- ✓Lobbying: what, why, who, where, when
- ✓Effective lobbying
- ✓Assessing and increasing political strength
- ✓Building lobbying campaign infrastructure
- ✓Crafting bills and supporting materials

Campaign Method Overview (cont’d)

- ✓Working with legislative staff
- ✓Using legislative procedure
- ✓Committees and caucuses
- ✓Committee testimony
- ✓Complying with state ethics law and rules

Campaign Method Overview – (cont'd)

- ✓ Making campaign contributions
- ✓ Gaining special interest support
- ✓ Negotiating for consensus
- ✓ Hiring and working with contract lobbyists
- ✓ Motivating lawmakers

Campaign Method Overview – (cont'd)

- ✓ Getting and keeping lawmakers' votes
- ✓ Steps after committee of 1st reference
- ✓ Lobbying your bill into law

Campaign Method Overview – (cont'd)

Constitutions generally prohibit legislatures from implementing statutes.

Implementation belongs solely to executive agencies.

Next step:
Make law into day-to-day reality through agency rulemaking.

Campaign Method Overview – Executive

- ✓ Constitutional and political foundations of US executive agencies and law
- ✓ Agency ideal and structure
- ✓ Agency legal powers and limits
- ✓ Planning for agency advocacy
- ✓ Face-to-face with agency decision makers

Campaign Method Overview – (cont'd)

- ✓ Rule development and adoption
- ✓ Responding to promulgated agency rule
 - administrative appeal
 - judicial appeal
 - legislative appeal

Campaign Method Overview – (cont'd)

- ✓ Similarities between legislative and executive agency lobbying, for example
 - drafting supporting materials
 - coalitions
 - inter-interest group negotiations
- ✓ Differences between legislative and agency lobbying, for example
 - agency more technically driven
 - importance of experts
 - less politics

Lobbying: What, Why, Who,
Where, and When

In Arkansas “Lobbying means

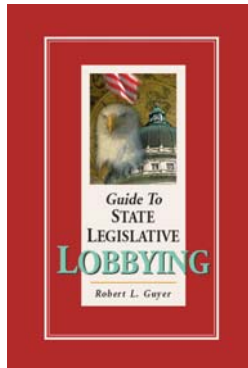
... to communicate directly or solicit others to
communicate with any public servant to
influence legislative or administrative action.”

21-8-402(10) AR Code (2010)

Lobbying is

A logical process requiring:

- understanding players and context
- planning
- organization
- execution
- Guide to State Legislative Lobbying
- Campaign Method for More Effective
State Government Affairs



“Mr. Guyer's clear structure and methodology for an effective lobbying campaign added to my own effectiveness with the legislature contributing to me being ranked one of the five best lobbyists in the state of Florida.”

Desinda Wood Carper
Florida League of Cities (former)

Legislative lobbying is not

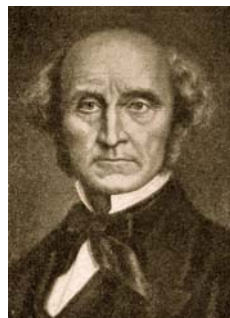
A rational process. It can be:

- ✓petty
- ✓arbitrary and capricious
- ✓designed for political solutions
- ✓“bad” laws are passed regularly
- ✓“good” public policy may lose to politics

Lawmakers are first political

“Parliament has an office...to be at once the nation's Committee of Grievances, and its Congress of Opinions.”

John Stuart Mill (1806-1873)



It's a system for the self-serving

"Publius rejects as merely visionary any plan for civil government that depends upon reforming human nature for the purpose of eliminating factions and making all citizens devoted to the common good."

See: Striplin, *The Founders' View of Character and the Presidency*, <http://www.leaderu.com/humanities/foundersview.html>

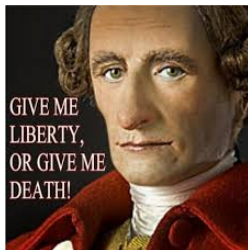


James Madison (1751-1836)

It's to be transparent government

"The liberties of a people never were, nor ever will be secure, when the transactions of their rulers may be concealed from them."

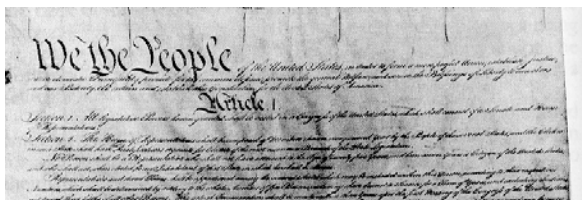
Patrick Henry (1736-1799)



Constitution establishes right to lobby

"Congress shall make no law... abridging the right of the people to... petition the government for a redress of grievances."

First Amendment, US Constitution Bill of Rights



As Arbitrary and Capricious As They Want to Be

Lawmaker criticized fellow lawmakers for attending an Orlando, Florida workshop on how to be better lawmakers. Complaining lawmaker said it is a waste of \$20,000 of taxpayer money for his colleagues to attend and that they can learn to be better lawmakers by staying home and doing their jobs. Henceforth, complaining lawmaker can't get any bills out of committees.

Tennessean

For the last couple of years a Democrat senator was the lead sponsor for my bill. This year looked to be year the bill would finally move with strong bipartisan support. However, the Republicans became the senate majority that same year. Republican leadership ordered that anything with my sponsor's name on it would "dead on arrival" - DOA without regard to the content of the legislation. This was because in two years, the senator would be up for re-election and Republican leadership wanted to deny him a record of legislative achievement. I got a Republican to be the lead sponsor and my bill became law.

RLG personal experience

What Would Jesus Do?

The full committee was considering a bill to allow drivers licenses to reflect the sex change of license holder. According to sponsor, morticians are concerned when they undress a body and find that the sexual organs do not correspond to the sex listed on the deceased's driver's license.

After some at times emotional (and at other times joking) committee discussion, the bill was clearly headed for a negative vote. In a last minute effort to gain committee support the bill sponsor tearfully asked her fellow lawmakers before they cast their vote just to ask themselves, "What would Jesus do?"

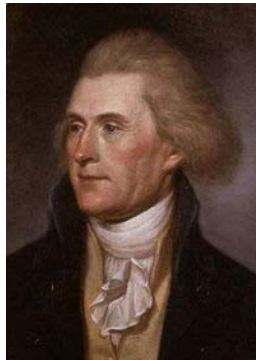
Despite her plea and what introspection each member may have had prior to the vote, the bill was defeated.

Observed by RLG

What if citizens don't lobby?

"If once (i.e., the people) become inattentive to the public affairs... I, and Congress, and Assemblies, Judges and Governors shall all become wolves."

Thomas Jefferson (1743-1826)



Why lobby legislatures?

"Neither liberty nor property is safe when the legislature is in session."

Edmund Burke (1729-1797)

British statesman and orator. Similar statements attributed to J. Gideon Tucker, Mark Twain, H. L. Mencken



Why lobby executive agencies?

"The execution of laws is more important than the making of them."

Thomas Jefferson

What the legislature *giveth* ...an executive agency can *taketh* away and what the legislature wouldn't give an executive agency might.

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1757 - HB 2099

March 20, 2009

SUMMARY OF BILL: Makes it a misdemeanor offense for a person to wear pants below the waistline in a public place. Sets forth punishment guidelines for multiple offenses. Establishes the Extracurricular Activities Enhancement Fund and requires that all revenue from collected fines be placed into the dedicated fund to be distributed to local education agencies (LEAs) in proportion to their average daily membership. Requires LEAs to use any distributed funds to pay for musical instruments, books, and athletic equipment.

ESTIMATED FISCAL IMPACT:

**Increase State Revenue - Exceeds \$100,000/Extracurricular
Activities Enhancement Fund**

Increase State Expenditures - \$483,400

Increase Local Revenue - Not Significant

Increase Local Expenditures - Not Significant

Increase Federal Expenditures - \$369,500

Assumptions:

- Currently, there are approximately 2,512 juveniles on probation with the Department of Children's Services. It is estimated that one and one-half percent, or 38, of these cases will be impacted by the provisions of the bill.
- On average, the delay in permanency will require an additional 180 days of state custody. For each additional day there will be an approximate increase of \$108 in expenditures per child. This will increase expenditures by \$738,720 (38 cases x 180 days x \$108 per day).
- Due to the *Brian A. Consent Degree*, DCS case managers have a manager to case ratio of approximately 15 to 1. Due to the increase of 38 children, two additional case managers will be hired, resulting in an increase in expenditures of \$114,192 which includes salaries (\$68,800),


SB 1757 - HB 2099

benefits (\$23,392), and communications, networking, travel and supplies (\$22,000).

- Of the total increase of \$852,912 (\$738,720 + \$114,192), seven percent (\$59,704) will be Title IV-E Federal funds; 49 percent (\$417,927) will be through TennCare; and \$375,281 in state funds.
- Of the TennCare funds, \$108,084 is state funds at a 25.862 percent match rate and \$309,843 is federal funds at a 74.138 percent match rate.
- The total increase in expenditures for additional days of children in custody is estimated at \$483,365 (\$375,281 + \$108,084) in state funds and \$369,547 (\$59,704 + \$309,843) in federal funds.
- All offenses are classified as misdemeanors and will be adjudicated in the local court system. An increase in cases in the local court system, which will result in additional local government expenditures for processing the cases and local government revenue from fees, taxes and costs collected. These expenditures and revenues are estimated to be not significant.
- All fines collected from defendants will be deposited into a special account in the state treasury. While the exact cost of collected fines is unknown, it is estimated that there will be an increase in state revenue exceeding \$100,000.
- The number of new court cases and defendants, hours of community service that will be performed, and total fines collected is unknown.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/msg

Lobby the legislature to

- Gain better laws
- Protect favorable laws
- Repeal unfavorable laws
- Stop adverse proposals for laws (bills)
- Instruct courts and executive as to what public policy is and will be

Abrogation of Case Law

“... it is the intent of the legislature to reject and abrogate earlier case law holdings in: Bennett v. Columbia Health Care and Rehabilitation, 80 S.W.3d 524 (Mo.App. W.D. 2002); Kasl v. Bristol Care, Inc., 984 S.W.2d 852 (Mo.banc 1999); and Drewes v. TWA, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.”

Missouri Revised Statutes Chapter 287 Workers' Compensation Law §287.020 (August 28, 2010)

Lobby legislature to (cont'd)

- Affect state executive agencies
- Build momentum among states
- Build momentum to affect Congress

Who can lobby legislatures?

- Organizations for religious worship and private foundations banned
- 501(c)(3) IRC limited to budget per cent
- 501(c)(4-12) IRC unlimited advancing organization's tax-exempt purpose
- Individual (corporate/natural)

Whom do we lobby?

In order of importance, we lobby:

1. special interest groups
2. legislative staff
3. executive agencies
4. legislators
5. governor

Whom do we lobby? (cont'd)

6. electronic media
7. press
8. general public

Where do we lobby?

- Capital
- Capitol
- Lawmakers' districts
- Social context
- Business context
- Wherever we find opportunity

When do we lobby?

- Pre-regular session
- Regular session
 - early
 - late
- Special session
- Interim

When is the best time to lobby?

The best time to lobby is **when you don't need anything !!**

“Relationships in idle times pay big dividends in desperate times.”
Iowa lawmaker to Mindy Miller, CRNA, 2013

Effective Lobbying

“Effective lobbying” defined

Effective lobbying v. tr., the act or process of getting a lawmaker to vote your way; as contrasted with slaps on the back, handshakes, encouraging words, smiles, and other similar common forms of political smoke and inaction.

Effective lobbying is synergistic*

Effective lobbying’s interacting elements

- constituency
- lobbying skill
- money

* Synergy is two or more elements functioning together to produce a result not independently obtainable. e.g. 1+1>2

Effective state lobbying

Requires knowing

- lawmakers are not there for you
- you are there for them
- lawmakers are your “customers”
- each customer’s unique set of needs
- how to meet those needs
- customers buy to meet their needs, not your needs
- “People don’t like to be sold but they love to buy.” (Jeffrey Gitomer)

4 keys to effective lobbying

1. Campaign based
2. Established on trust
3. Education centered
4. Constituent driven

1. Campaign based

- Series
- Aggressive planned activities
- Maximize chances of “making the sale”
- *Campaign Method for More Effective State Government Affairs*
