



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

Austin, Texas
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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>
8:15 – 9:30		Introduction
	1	Overview of the Campaign Method and Seminar
	4	Lobbying: What, Why, Who, Where, and When
	15	Effective Lobbying
	23	Assessing and Increasing Political Strength
9:30 – 9:45	30	<i>Activity 1 Assessing Your Political Strength</i>
9:45 – 10:15	31	Building Your Lobbying Organization
	39	Crafting Your Bill and Supporting Materials
10:15 – 10:25		Break
10:25 – 12:00	44	Legislative Staff
	50	<i>Model Legislative “Leave Behind”</i>
	52	Legislative Procedure
	57	Committees and Caucuses
	60	Committee Testimony
	62	Legislative Ethics
	65	Campaign Contributions
	70	Special Interests and Coalitions
12:00 – 12:15	78	<i>Activity 2 Coalition and Alliance Building</i>
12:15 – 12:45		Lunch
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
	108	Lobbyist Job Performance Evaluation Checklist
3:30 – 4:00	109	Motivating Lawmakers
	114	Getting and Keeping Votes
	123	<i>10-minute Constituent as Lobbyist Checklist</i>
4:00 – 4:30	132	<i>Activity 4 “3-minute in the Hallway” Lobbying</i>
4:30 – 4:45	134	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	142 146 151	Constitutional and Political Foundations Agency Model and Structure Agency Powers and Actions
9:25 – 9:40	160	<i>Activity 5 Agency Actions</i>
9:40 – 10:10	161	Agency Advocacy
10:10 – 10:25		Break
10:25 – 10:45	169	The Lobbying Visits
10:45 – 11:15	178	Rule Development and Adoption
11:15 – 11:35	189	<i>Activity 6 Agency Lobbying</i>
11:35 – 11:45	187	Responding to Agency Rule
11:45 – 12:00		Day 2 - Course Summary and Evaluation

DOES THE CAMPAIGN METHOD REALLY WORK?

As the 2006 Alabama Legislative Session opened, the Chairman of the Senate Education Finance & Taxation Committee addressed all of Alabama's school superintendents. During the Q & A, a superintendent asked what else our association could do to better impact the legislative process. Senator Hank Sanders replied, "You are doing everything right. Your staff works hard and represents you very well and your lobbyists are well known. Superintendents are talking and meeting with their legislators and legislators want to know what superintendents think. I believe you will see your priorities in the budget that comes out this year because you have a lot of influence. You used to be PITIFUL, but now you are doing everything right."

Senator Sander's words affirmed the transformation we have made as an organization. Just three short years ago I was hired as the first full-time executive director and began over the next year and a half to add a few staff members and we worked to improve all aspects of our association. I remember in my first weeks the State Superintendent advised me, "Now Susan, don't think you can do too much—these superintendents never agree on anything. It's like herding cats!" With that warning I searched to learn more about the legislative process. After all, I had been hired to improve our efforts and gain influence in Montgomery. I read "How to Effectively Lobby Your State Legislature" by Bob Guyer. I went online and registered for Bob's training. Then I set out to organize our members, establish effective communication, bought every member a copy of this book on how to successfully lobby and hired Bob Guyer to train our superintendents in the Campaign Method of Lobbying.

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
September 2006

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

WA Society of Landscape Architects
May 2009

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 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.

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 – organization, planning, discipline and execution lead to greater success
- ✓ “Tool Box” – methods, checklists, how-to skills, and strategies
- ✓ Works in all states
 - US constitution sets framework for all states
 - “making a sale” is ultimate goal in all states
- ✓ 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
- ✓ Actions after committee of 1st reference
- ✓ Lobbying your bill into law

Campaign Method Overview – (cont'd)

Next step:
Give "feet" to your statute, structure how your law will actually affect your daily life, make law into 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 and differences between legislative and executive agency lobbying
 - drafting supporting materials
 - coalitions
 - inter-interest group negotiations
- ✓ Differences between legislative and executive agency lobbying, for example agency lobbying
 - technically driven
 - importance of experts
 - less politics


Lobbying
What, Why, Who, Where and When

Lobbying is

- ✓ A logical process requiring
- ✓ Planning
- ✓ Organization
- ✓ Execution
- ✓ *Campaign Method for More Effective State Government Affairs*
- ✓ *Guide to State Legislative Lobbying*
- ✓ Governed by a body of law and etiquette



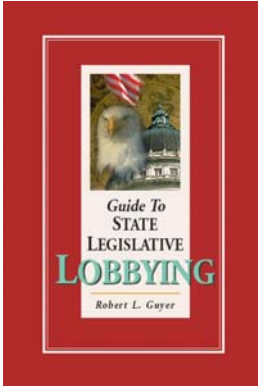
Advocacy and Influence
Campaign Method for More Effective State Government Relations
 Boston, Massachusetts
 May 4, 2007



2007 Leadership and Faculty Development Conference
 Harvard Medical School
 Office for Diversity and Community Partnership
 Robert L. Guyer, Esq.
 American College of Physician Executives Faculty

The Methodology

"His campaign-style approach to lobbying helps break the art of lobbying into a common sense process. Whether you're an old pro or just starting out, Bob Guyer's Lobby School will prove invaluable for your career."
 Nate Filler, Manager
 State Government Relations
 Cardinal Health
 Dublin, Ohio



“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
Florida League of Cities
Tallahassee, Florida

Lobbying is not

A rational process. It can be:

- Petty
- Arbitrary and capricious
- Designed for political solutions

The system is to be 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

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, 2008

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, 1996

Speaking favorably about persons in the committee hearing, "They are not the kind of people who drive up here in their Escalade to tell me how to do my job."

Observed by RLG, 2010

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, 2008

Designed for political solutions

“Don’t bother me
with the facts.”

Shelby Rhinehart (1927-2002)
longest serving member ever
of the Tennessee House

“The man who could get it done.”

Designed for political solutions (cont’d)

“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 *The Founders’ View of Character and the Presidency*, Scott R. Striplin
at <http://www.leaderu.com/humanities/foundersview.html>

In New Jersey “lobbying” means

...to influence legislation, regulation or
governmental processes.

Derived from NJ Statute 52:13C-20.3. “Lobbyist”

Advocacy is a fundamental US right

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

First amendment US Bill of Rights

What if citizens don't lobby?

“If once (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 Mark Twain and 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.

Why lobby?

For most practical purposes, the General Assembly can do anything it wants, to you or for you!

Agencies can do almost anything they want to you.

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

- 1. Gain better laws
- 2. Protect favorable laws
- 3. Repeal unfavorable laws
- 4. Stop adverse proposals for laws (bills)
- 5. Instruct courts and the executive as to public policy in the state

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 Section 287.020 (August 28, 2010)

Lobby legislature to (cont'd)

- 6. Affect state executive agencies
- 7. Build momentum among states
- 8. 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 when advancing organization's tax-exempt purpose
- Individual (corporate/natural)

Who do we lobby?

In order of importance, we lobby:

1. Special interest groups
2. Legislative staff
3. Executive agencies
4. Legislators
5. Governor

Who 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 !!***
