



SECTION FOUR

INTERACTING WITH YOUR STATE LEGISLATORS

As previously noted, the advocates of a particular piece of legislation must succeed at every stage of the legislative process for the bill to become law. For a bill to be defeated, one need only succeed at one stage of the legislative process. To effectively influence legislation, a number of approaches and lobbying techniques are available for chapters to take advantage of these legislative “access” points.

Monitoring State Legislative Activities

To interact successfully with your state legislature, it is imperative that you develop an effective monitoring process. This will provide you with a mechanism for identifying, assessing, and influencing important legislation.

One method of monitoring state legislative activities is to work closely with your state medical society. Many state medical societies have staff charged with reviewing legislation of possible concern to its members. By working closely with the state medical society staff and identifying areas of concern to emergency physicians in your state, you can initiate an effective legislative monitoring system that will provide benefits to both your chapter and the state medical society.

In addition to working with the state medical society staff to monitor legislation, it may also be helpful to request that an ACEP member be placed on the medical society’s legislative affairs committee. Serving on this committee usually will require that the ACEP member also be a member of the state medical society. By participating in the decision-making process of the legislative affairs committee, your chapter may discover an effective means of making your position known to the state medical society on important pieces of legislation.

In addition to the above-mentioned methods of monitoring legislation, many state legislatures publish records of daily legislative activities. Some legislatures also will make available copies of the various committees’ schedules, usually on a day-to-day basis. Copies of the legislative registers can usually be requested through the Secretary of State’s office, from the Secretary of the Senate, or the Chief Clerk of the House. To obtain copies of pertinent committee schedules, you can contact the committee chairperson and ask to be placed on the mailing list for committee announcements. When requesting any information concerning legislative activities, it is a good idea to be placed on a mailing list to receive daily updates, registers, and announcements.

Numerous monitoring services are also available. Such services summarize bills and trace their progress through the legislative process. ACEP offers a service to chapters that tracks legislation in each state covering a variety of health care categories, based on a keyword search system. During a state's legislative session, weekly queries are made for relevant bills that have been introduced or that have advanced in the legislative process. If any bills are identified, reports that include links to the bills of interest are forwarded to the chapter. Chapters can receive this service free of charge from ACEP by contacting the State Legislative Office at 800-798-1822 ext. 3236. One final method of monitoring state legislation is to carefully read your local newspaper. A state legislator often will issue a press release pertaining to a particular piece of legislation before the bill is ever introduced.

Gaining Access to Your State Legislature

To gain access to the state legislative process, you must first gain access to the players who make up the system. Access is most effectively accomplished if the groundwork is laid through individual contacts with state legislators and their staffs, organizational contacts through your chapter, and the development of an effective key contact system.

An important key to gaining access to the state legislative system is to remember that legislators appreciate input from their constituents on various issues, and not just on issues pertaining to the practice of emergency medicine. Legislators who feel they are being contacted only when you want or need something will quickly lose interest in what you or your chapter has to say. Therefore, it is important that you develop a working relationship with your legislators and their staffs, preferably on a personal level.

Getting to Know Your State Legislator

Here are some helpful guidelines for developing effective contacts with your state legislators and their staffs.

Personal contact. Meeting your legislator personally is the most effective way to communicate. You are one of your legislator's constituents and, therefore, important. Developing a one-to-one relationship makes writing and calling a far more valuable and effective means of communicating.

Time and place. Take the time to set up an appointment to meet with your legislator. Whether for coffee, lunch, dinner, or a reception; at home; at your emergency department; or at the state capitol, getting to know your legislator is the basis for all future contacts.

Short and friendly. Unless you already know your legislator, make your first contact short. Thirty minutes at the capitol, your home, or your emergency department when the legislator is in your district is sufficient for the first meeting. Put your legislator at ease by being friendly and sincere, not threatening.

Be prepared. You should be prepared to discuss current topics that may be of interest to your legislator. The legislator may seek your advice on an issue or choose to talk about a topic with which he or she is personally involved. You may also discuss current health-related topics from the newspaper.

Keep track of your time. Do not overrun your appointment. You can always meet again or follow up any last minute points in a letter.

Political contributions. Making contributions to your state legislator, during the legislator's campaign, is well worth the expenditure. Bear in mind that state law governs campaign contributions for state officials and you must familiarize yourself with all statutory requirements and limitations prior to making a contribution.

It is never a waste of time. Even if your legislator does not agree with your position on an issue, the time spent will be educational and informative. Your legislator may support you on another issue of importance in the future because of the personal contact you have made.

Follow-up letter. Follow-up your visit with a letter of thanks. If additional points regarding your issue did not get discussed, include them in your letter. Let your legislator know you appreciate his or her service and specifically the time given to you personally.

Writing or E-Mailing Your Legislator

While no substitute for in-person interaction, letters and e-mails can be a useful way to communicate your position on an issue. Once your monitoring system has alerted your chapter about the need for quick action, a “form” letter or e-mail message should be prepared as a guide for chapter members. It is imperative that chapter members understand that the letter was developed as a guide, and should ideally be customized by each member to include relevant and supportive individual thoughts and experiences before being sent to the legislator. This sample letter or e-mail can then be sent out as an action alert to your members through e-mail, published on your chapter web site or in your chapter newsletter, or mailed directly to chapter members for use in developing their own letters or e-mails.

ACEP provides a free service to chapters to assist them in producing and distributing electronic action alerts so that members can quickly and easily send customized e-mail messages (based on a template letter developed by the chapter) to their legislators. Interested chapters should contact the ACEP State Legislative Office for details on this service.

A letter or e-mail can be used to confirm arrangements or express appreciation to state legislators or officials for their assistance. They are also a useful tool for communicating with a legislator’s staff. In any event, one simple rule addresses the success that may be attained through an effective letter-writing or e-mail campaign: Simply stated, correspondence must be well written and concise to communicate ideas or positions effectively to your state representatives. Some helpful hints to be considered when writing your state legislator include the following:

- Write about only one subject at a time.
- Be brief and to the point.
- If the letter addresses a particular piece of legislation, identify that bill by name, title, and number.
- Describe the impact of the proposed legislation on the specialty of emergency medicine, on your practice, or on your patients.

- Urge your legislator to act, do not demand that the legislator do so. Never be negative or hostile.
- Do not use a form letter. Be personal and use personal language.
- When possible, refer to a previous meeting or something of common interest to help personalize your letter.
- Be timely by writing at the appropriate stage of the legislative process. If you are asking the legislator to follow a particular course of action of a bill, inform the legislator when the bill is scheduled for hearing in committee or a vote on the floor. You should also take this opportunity to ask your legislator to vote aye (yes) or nay (no) on the bill.
- Ask that the legislator reply to your correspondence, stating his or her position on the issue.
- Follow up the receipt of the legislator’s letter, e-mail response or telephone call with a note of thanks or follow-up of your own. Be sure to state the facts of the argument if you intend to refute the response sent by the legislator.
- Make sure to use the appropriate form of address in letters (*See box*).

House of Representatives

The Honorable (*First and Last Name*)
(*State*) House of Representatives
State Capitol
(*City, State, ZIP Code*)

Dear (*Mr./Ms. Last Name*)

Senate

The Honorable (*First and Last Name*)
(*State*) Senate
State Capitol
(*City, State, ZIP Code*)

Dear Senator (*Last Name*)

Governor

The Honorable (*First and Last Name*)
Office of the Governor
State of (*State*)
(*City, State, ZIP Code*)

Dear Governor (*Last Name*)

Administration

The Honorable (*First and Last Name*)

Secretary of (*Department/Agency*)
State of (*State*)

Dear (*Mr./Ms. Last Name*)

or

Dear (*Mr./Madam Secretary Last Name*)

Tips on Testifying

The many public health and safety issues supported by ACEP are excellent opportunities to gain experience and credibility in legislative matters. Such “white-hat” issues allow you to build relationships with legislators by supporting their positions rather than testifying against proposed legislation.

By following the tips listed below, you and your chapter are well on your way to becoming an important link in the state legislative process.

Welcome the opportunity to testify before a legislative committee concerning a subject on which you are well informed. Legislators are receptive to your expertise and input about proposed legislation of interest to emergency medicine. Be prepared to give objective, broad, and factual testimony.

As soon as possible, notify the committee holding the hearings of your desire to present testimony. When announcing public hearings, many committees will set deadlines for acceptance of applications to testify.

Advise your own state senator or representative of your interest in delivering testimony. This may be particularly helpful if one or both serve on the committee before which you are testifying.

Begin preparation of your testimony well in advance of your scheduled appearance. Review it with local ACEP leaders and associates in your chapter to avoid important misrepresentations. Be absolutely certain that you and your chapter have reached a consensus on the testimony you are to give concerning a bill before the testimony is offered. If there is no consensus and the issue does not affect the membership, individuals may testify but should

clearly state that they are speaking as individuals. They should not represent chapter affiliation or titles.

Do some research into the other side of the argument you will be presenting. Often, both “friendly” and “unfriendly” questions will be asked.

If possible, plan on arriving at the state capitol well in advance of your scheduled appearance. You can use this time to attend a hearing of the committee to which you will be testifying to obtain advance knowledge of the committee’s membership, procedures, and the types of questions being asked. If you are unable to attend an earlier committee hearing, you may use this time to do some constructive lobbying with committee members.

Make sure you are well acquainted with everything in your prepared statement.

Visit members of the committee with whom you are personally acquainted to discuss the nature of your testimony. This step might lead to useful questioning by the legislators that will prepare you for the types of questions you may be asked during your testimony.

Follow the rules established by the committee. The rules may require holding your testimony to the time allotted by the committee, providing copies of your testimony to committee members, and compliance with specific procedures dictated by the committee. You also may wish to have copies of your testimony available for interested spectators in attendance.

Provide copies of your testimony to your own representative and senator.

Provide copies of your remarks to your hometown press and other statewide newspapers and media, as well as to other state medical groups to which you belong or that may have a parallel interest in the issue. Section Eighteen,

“Media Relations” offers insight into dealing with the media.

When testifying, relate your own professional and personal experiences with the issue being debated. Inform the committee of the effect that the proposed legislation will have on your patients and your practice. Relating brief, graphic, and real-life cases is advisable. Telling of the injuries received in a bus accident will provide powerful images to a committee considering mandatory seat belts on school buses.

File a written statement if, for any reason, you are not able to testify in person. Copies of the statement should be made available to all persons to whom you would send copies of the testimony.

Study the legislation being considered by the committee as well as any available analyses. Otherwise, the effectiveness of your presentation could be negated by the simple question, “Have you read this bill?” or “Are you aware that the bill has been amended?”

Do not be disappointed if only a small number of committee members are present for your testimony. Committee staff and agency officials are always present, and they will keep the committee informed of the testimony given.

Do not be embarrassed to admit that you do not know the answer to a question. If this occurs, ask permission to write a detailed response to the question at a later date. Never guess at an answer. Often, the questioner will know the answer already, and an incorrect guess could be devastating to your testimony.

Do not hesitate to bring graphs, charts, or other visual aids that will help you make a point. However, first notify the committee that you intend to do so. Provide copies of these materials with your written testimony so that the committee will have hard copies of your visual aids.