



SECTION FIVE

HOW TO INTRODUCE LEGISLATION

Much of your interaction with the state legislature may (and probably will) be in response to legislation introduced and encouraged by others. However, there will be plenty of opportunities for you and your chapter to encourage the introduction of legislation on a variety of topics. You may wish to have legislation introduced that will benefit the general public and heighten the visibility of the chapter in the eyes of the state legislature. Such legislation might include stricter drunk driving laws, requirements that all motorcycle riders wear helmets, mandatory seat belt legislation, or more severe penalties for the use of a handgun in the commission of a crime. In any case, there are a number of basic principles you should follow when introducing legislation.

Pick a Sponsor/Author

In order to get legislation introduced, you must first identify a legislator who is willing to introduce your bill. Your efforts at building an effective key contact system (see Section Six, “Key Contact Program.”) may pay off at this point if you can use the system to identify and contact a legislator willing to introduce your legislation. If this method does not work, the state medical society may be helpful in identifying a legislator who is willing to work with you.

If possible, you should approach a potential sponsor/author who has some understanding of and background in the issue being addressed by your proposed legislation. You also should make an effort to identify a sponsor/author who sits on the committee that will be considering the legislation. At this point, you also should begin identifying co-sponsors (co-authors) from both the majority and minority parties so that the sponsor/author will know who the potential supporters of the legislation are even before the legislation is “officially” introduced.

Check Your Facts and Figures

Make sure you check your facts and figures before presenting them to the legislator. You have taken the time to choose a sponsor for your bill who will aid your cause. Do not waste this time and effort by failing to do a thorough examination of the options and consequences accompanying your legislative proposal. Because of their limited staffs, state legislators must often trust outside resources to provide them with all the information necessary to adopt a position on the bill. Do not abuse this opportunity by not doing your homework before you approach the legislator.

You should also remember that no matter how painful it may be to reveal a flaw that is detrimental to your cause, it is always

best to discuss all aspects of the proposed legislation with your sponsor. Nothing will match the damage that can be done to both you and your chapter if the legislator believes that you have not been totally truthful regarding specific legislation being promoted on your behalf. You also may wish to present the legislation to the potential sponsor/author from the standpoint of both the proponents and possible opponents of the bill. In this way, the sponsor/author will not be subjected to unwelcome surprises.

Analysis of a Bill

The following format will help in either drafting or analyzing legislation:

- (1) Title of bill.
- (2) Identify your audience (in most cases your elected representative(s) of committee members.)
- (3) Explain what the bill intends to do.
- (4) Identify the issue and summarize its impact on access to affordable, quality care (when appropriate.)
- (5) Anticipate unintended consequences of the bill.
- (6) Brainstorm a list of potential stakeholders for potential support and opposition of the bill.
- (7) Develop appropriate questions elected officials will have about the issue and the bill.

Support Your Own Legislation

If it is difficult for you to support your own bill or believe in your own position on a bill, do not expect others to do it for you. Legislators are usually very quick to detect a lack of wholehearted support of a proposal. In an activity that depends so heavily on trust and sincerity, you or the chapter can little afford to have your reputation tainted by endorsing a piece of legislation that you do not fully support.

Follow Your Legislative Proposal to its Conclusion

It is very important that you follow your bill, once it is introduced, through each stage of

the legislative process. Get a hearing scheduled for your bill as early as possible. Several legislative offices, such as the bill status office, the office of the secretary of the senate, or the office of the chief clerk of the house, will be able to supply information on the status of a particular piece of legislation. Bill status is also often available on the legislature's web site, but be aware that not all web sites are updated promptly. This information may include where a bill has been assigned (committee), whether it has been approved by the committee, whether it was amended, and the result of the floor vote.

Another means of monitoring legislation of importance to you or the chapter is by contacting the committee to which the bill has been assigned. A number of newspapers publish daily listings of bills introduced in or acted upon by the house or senate.

This is also a good time to provide information to the sponsor/author of the legislation so that this person can provide background to the media or other legislators. This information should provide the reader with an easy-to-understand explanation of what the bill is designed to accomplish. Write the introductory speech for the bill sponsor/author as well as the news release to be distributed to the press. To be properly prepared for this step in the process, be sure to have enough copies available for other legislators, staff, media professionals, executive staff, and other interested individuals or groups.

Work closely with your bill's sponsor/author to ensure that the legislation is called up for each required reading. Most important of all, follow your bill after the legislature acts favorably to make sure the governor signs it. Many a worthwhile bill has been lost in the Executive Branch because it was vetoed or because it was never signed. Realize that politics play a more important role than proposed policy changes and often bills are not advanced because the "politics of the day" do not allow the bill to move forward. There are many examples in modern history of great ideas, but until there was enough public sentiment and support for such changes, politicians are reluctant to move forward.

Give Credit Where Credit is Due

It is often best to give all credit for legislative victories to the sponsor of the bill. As an ACEP chapter or member, you merely supported the legislation to serve the bill's larger purpose. Many legislators resent suggestions that they acted as pawns of pressure groups in sponsoring legislation. The goal of the chapter is to get legislation enacted that benefits not only the emergency physician, but also the patient and the general public. The emphasis should always be on the latter.

Promoting the passage of favorable legislation and working to block unfavorable bills are among the most valuable services an ACEP chapter or member can perform. Far from corrupting the political process, an active chapter can enhance good government while promoting the interests of patients and its members. In a representative democracy, this type of activity will always be needed.

Some of the most important and often most overlooked activities related to having a particular bill introduced are writing your legislator, testifying, and personal contact with the legislature. Because of the proliferation of state government activity, accompanied by an increased complexity in the subject areas considered by state legislatures, these activities are extremely important to the success or failure of your legislative programs. Failure to effectively participate in letter writing, testifying, and personal contact activities can spell disaster for even the least controversial issues you wish to address through the legislative route.

The First Step

If the identified key contact has previously established a relationship with the legislator, the coordinator should document the extent and details of the contact, keeping notes on any specific details that may be of use in the future. Perhaps a key contact's sister is a fundraiser for a legislator – this is valuable information that should be readily accessible to the coordinator. This fact should be documented in the file for this key contact and legislator.

If the identified key contact does not know his or her legislator, the coordinator should make arrangements for them to meet. Merely suggesting that the key contact make an appointment to meet with the legislator may not be sufficient. In this case, the coordinator should call the legislator's office, explaining that the coordinator has identified an emergency physician in the district to serve as a liaison between the legislator and the state chapter. The coordinator should ask if the legislator could meet with the key contact at the legislator's convenience. Many new key contacts who have never met with their legislator may feel intimidated by the process, and assistance on the part of the coordinator is usually welcomed.

The first meeting with a legislator should be friendly and non-business in nature. It is imperative that the key contacts offer themselves as a resource to legislators in instances where the legislators or their staff may have questions or constituency problems with the medical community. In other words, the key contact should initially impress the legislator with a willingness to assist the legislator when the need arises. In this manner, if the key contact needs to approach the legislator with a particular problem, the legislator will be much more receptive to him or her.

The importance of meeting with and maintaining contact with the legislator's staff cannot be overemphasized. It is the staff that often controls the flow of activities in the office, as well as access to the legislator. The vast majority of the key contact's communication may be through a legislative aide. Even if the key contact has a long-standing personal relationship with the legislator, an uncooperative staff member can seriously impede the effectiveness of a key contact.

To be effective, a key contact must do the following.

- Be informed. The key contact should be knowledgeable on the issue but need not be an expert on each item of the chapter's legislative program. The key contact must be able to respond intelligently to questioning, yet have the presence to defer when unsure of an answer.

- Make sure that comments reflect the chapter's policy. If the key contact cannot promote a particular policy, someone else should be asked to make the contact on a particular issue. Key contacts must be honest in all their dealings to ensure credibility. If they must express an opinion in opposition to the chapter's policy, it should be identified as personal opinion.
- Understand the legislative process. This guide and the State Legislative Office are resources for developing the requisite knowledge and expertise.
- Know the legislator. While they may not be close personal friends, the legislator and emergency physician can maintain a relationship that will allow the legislator to develop confidence in the key contact and his or her opinions. Foster the relationship by meeting several times during the year (not just when there is an issue to discuss.) Create or participate in opportunities for contacts in such social settings as parties, dinners, golf games, fundraisers, or similar activities.
- Keep colleagues informed of the legislator's assistance and make sure the legislator knows of the chapter's appreciation for the support. Too often, a legislator is forgotten after a critical vote. It is courtesy and good politics to thank legislators for their efforts and to provide follow-up on positive outcomes of their support.
- Report results of legislative contacts as soon as possible to your chapter's staff and government affairs committee.
- Be persistent with a legislator, but once the message has been delivered, allow the lobbyist or chapter members to follow up the message with personal contacts, e-mails, letters, or phone calls.
- Be well briefed by you chapter and lobbyist before encountering the legislator. Have sound reasons to back up a policy position.
- Use more than one visit, if necessary, to sell a position. The legislator may need time to review additional information and talk to others before giving a firm commitment.
- Develop a relationship with the legislator's staff to assure that messages are delivered. A good relationship with staff cannot be overemphasized.