

HANDOUT MATERIALS

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A Legislative Primer

Learning the science of effective lobbying

By John A. Ostenburg
[First in a series of three]

Lobbying elected officials, especially those who serve in the legislature, is a very definite art.

Anyone who has been around the political scene for any period of time at all quickly realizes that some folks possess all that art and some do not. The true artists among the lobbyists know how to make elected officials aware of their positions on important issues without ever being heavy-handed.

For the most part, though, effective lobbying is even more of a science than it is an art. A very definite process exists for the development of legislation, and the better one understands that process, the more effective he or she – artist or not – will be in convincing elected officials to support their positions. This is especially true for volunteers who may be called upon only a few times each year to perform lobbying duties as an adjunct to the work of the fulltime lobbyists.

The genesis of legislation

When lawmakers talk about “the genesis” of their legislation, they usually are attempting to convince their colleagues that there is some high moral purpose behind what they are sponsoring, and that they personally have discovered the need for laws to enhance it. In fact, however, most legislation has its “genesis” in the special interest of one group or another, and the lobbyists for those groups have sought out a “friendly” legislator to serve as sponsor for bills that they – the lobbyists – have written.

Much of the legislation emanating from this process (and most legislation does) has an important and valuable premise: bills that protect the working man commonly are prepared by lobbyists for organized labor, bills that improve the quality of education are written by lobbyists who represent teachers and schools, bills that guarantee adequate health care are developed by lobbyists who are health care advocates, bills that seek to control run-away utility costs are the work of lobbyists for consumer groups, etc.

Of course, many of the special interests are not as public-oriented. Citizens often are the victims of lobbyists whose job it is to increase profits for the banking industry, the cable television industry, the insurance industry, the real estate industry, etc.

On occasion, a legislator will discover a problem that is of concern to him or her personally and then will engage a member of the respective party's legislative staff to draft such bills. Seldom, if ever, does an individual lawmaker actually write the bill that he or she is sponsoring.

The importance of the sponsor

Good lobbyists always know the most important part of getting legislation passed is to select the right sponsor for the bill. Obviously, the sponsor should be someone sympathetic to the issue that is being advanced; equally important, the sponsor should be someone who is capable of speaking to the issues of the bill in an articulate manner and who knows how to convince his or her fellow legislators to support it also.

On some issues, especially those that are partisan in nature, it is vital to select a sponsor who is a member of the majority party in the chamber where the bill is being considered. If an individual legislator is known and recognized for his or her expertise in a given subject matter, that person would be an excellent choice as sponsor for a bill dealing with that topic. Geographic consideration in selecting a sponsor also is of grave importance: one would not expect a downstate legislator to be a very convincing sponsor for a bill relating to Chicago or Cook County.

Co-sponsors offer the opportunity to add balance to a bill by showing that it has a broad base of support, one that is bi-partisan or not geographically limited. Most often, legislators are eager to jump on as co-sponsors to a specific piece of legislation that appears to be of benefit to one or another group of their constituents. Signing on as a co-sponsor allows the legislator to take credit for the bill when back home speaking to that particular constituency group, but does not obligate him or her to do the hard work of seeing the bill through to passage.

As a general rule, the more co-sponsors a bill has, the greater its potential for success.

Assign bills to committee

The support of leadership in the legislative chamber where the bill is being introduced often plays a critical role in how the matter is referred to committee. Killing a bill, or making the path smoother for its passage, both can be achieved simply by determining the committee to which it is assigned.

Because the committee to which a bill is assigned is required to be germane to the content of the bill, one protection against arbitrary assignment to an unfriendly committee is to make sure the language of the bill is precise. A teachers' union issue, for example, might find its way to the Labor Committee, the Education Committee, or the Appropriations-Education Committee; if one of

those groups has a majority that is more friendly to the union than the other two, the goal would be to write the bill so precisely that it would be difficult to assign it anywhere else.

A critical part of effective lobbying, therefore, is assuring proper committee assignment. A good lobbyist will become well acquainted with the chairpersons and the staff persons for the Committee on Assignment and the Rules Committee.

Timing also is an important aspect of committee assignment. If a bill is delayed in being assigned, the likelihood is that it will not be reported out of committee in time to make it to the floor debate before the close of the legislative session. A common ploy of leadership is to stall assignment of bills it considers to be controversial: by doing so, leadership cannot be accused of directly killing a bill, even though effectively it is doing so.

The work of the committee

What occurs in committee is the most important aspect of a bill's life, for it is the only time when a full hearing – including testimony by expert witnesses – on the measure's value or lack thereof will be offered during the entire legislative process. Furthermore, failure in committee means that the bill is dead for the current legislative session.

Being well acquainted with the committee chairperson and the committee staff is extremely important in making sure that the bill is assigned to the committee docket on a day when witnesses are available to attend. Committees generally meet once per week, but half of their work schedule is reserved to hear bills that will be forwarded from the opposite chamber. This limited time schedule means that a measure can be unsuccessful simply because it was not allocated an ample amount of time to make a convincing case before the committee members.

Effective lobbyists constantly review the listing of bills that have been introduced and read those that may have a positive or negative impact on issues important to the groups they represent. If a bill is favorable, the lobbyist will sign on to a committee listing of proponents and many even ask to testify before the committee. If the bill is unfavorable, he or she will sign on as an opponent of the measure and possibly seek to testify against it.

A critical part of advancing one's own legislative agenda is to make sure the bill has as many proponents as possible and as few opponents. This means that lobbyists often must lobby their own colleagues to convince them to sign on to a measure.

On some matters, the leadership of the respective parties will advance to their members on the committee their positions on various bills. If the leadership has given the bill an "up" arrow, their members are urged to support it unless they have some grave, serious reservations, or it poses a negative impact to their legislative district. A "down" arrow means the opposite.

[Next: Moving from committee to action on the floor.]

A Legislative Primer

Most bills decided long before floor debate

*By John A. Ostenburg
[Second in a series of three]*

Of the hundreds of bills that are introduced in a given session of the Illinois General Assembly, only a relative handful manage to pass out of committee. Some bills, in fact, never receive a specific committee assignment and instead remain bottled-up in the Rules Committee, or the Committee on Assignment, for the entire legislative session.

If a bill passes committee, it then is sent to the floor of the House or Senate, depending on the chamber in which it originally was introduced. Only when the bill has been successful in passing on the floor of that chamber will it be sent across the rotunda to the other chamber where the entire process begins again.

Passing out of committee is no guarantee, however, that a bill will receive a full floor hearing. Many bills that are given a passing nod by committee never are placed on the calendar for floor action, or are placed on the calendar for days when the docket is so packed that only a few of the scheduled bills actually will be called.

The power of 'clout'

Few elected officials enjoy the power, or "clout," that is in the possession of the Speaker of the House or the President of the Senate. The holders of these two posts, and the members of their legislative staffs, have at their disposal numerous tools for deciding whether a bill will survive. The two tools already referenced – control of committee assignment and control of the calendar – are the ones most frequently used.

Because of the power at their disposal, the Speaker and the President have a status that reaches far beyond the elected positions which they hold. After all, the Speaker is merely one representative, elected only by the voters of his or her district, and the President is only one senator, likewise selected only by the voters of his or her district. Yet, because of the leadership roles these individuals have been given by their colleagues, each has the power that enables him or her to halt the agenda of governors or to advance the goals of special interest groups.

The holders of the posts of Speaker and President must be masterful politicians in order to supervise the legislative process in a manner that benefits their respective political parties. Since both serve in their exalted posts because of the influence they hold within the ranks of their fellow legislators, they have as one of their primary goals to assure that their supporters continue to be elected.

This effort generally materializes in two ways: (1) assisting members of their party in passing important bills while also protecting them from embarrassing situations, and (2) advancing the legislation of supporting groups who are likely to aid members of their party in future election campaigns.

The work that Union volunteers perform in political campaigns therefore has a definite influence on the potential success of legislation which is of value to the Union. Because the leadership is aware of this support, and appreciates the value of it, they are more inclined to listen to the Union's lobbyists and to move Union legislation through the process at a more favorable rate.

Moving legislation along

Not all legislative matters are controlled by maneuvering that is as Machiavellian as what has been described above. Leadership often pulls back from some key legislative issues and allows matters to be determined strictly on the basis of individual philosophy and the power of the debate. On issues that tend to be highly controversial – such as gun control, reproductive choice for minors, or a tax increase – leadership may seek to protect its most vulnerable members but otherwise allow the floor debate to go forward with full gusto. Such moments tend to be the most exciting, and certainly the most eloquent, to occur during the legislative session.

Otherwise, floor debate tends to be mediocre at best, with proponents of a measure explaining why the bill is important and opponents decrying it for its dangers. Votes on these matters often follow either partisan or geographic patterns.

A key part of the floor debate is the addition of elements to a bill that may have no direct relationship to the primary topic of the “vehicle bill” but have been determined by party leadership to be “germane.” When such amendments pass and are added to the original bill, they often take on an importance that the “vehicle” itself never possessed. Sometimes this process requires that the original content of the “vehicle” be stripped completely and be replaced with entirely new language.

Arriving at compromise

If a bill has passed through committee and received the required number of votes for passage on the floor (the number might vary from a simple majority to a two-thirds majority depending on the bill's content), it then must move to the other chamber for similar approval. Successful House bills move to the Senate, and successful Senate bills move to the House.

Sponsors of the measures that have passed in the first chamber often scramble for an influential member of the other chamber to sign on as a bill's sponsor for this second go-through.

Since the Illinois General Assembly currently is controlled by the Democrats in the House and by the Republicans in the Senate, a number of bills might find themselves passing in one chamber but handed a resounding defeat in the other. If the subject matter of a bill truly is important, a

legislator may request of leadership that the topic be assigned to conference committee in order to have one more chance at passage.

The conference committee process is one of the best examples of politics at work in the entire legislative process. Leadership of both political parties in both chambers are given the opportunity to assign members to the conference committee, but the dominant party in each chamber has definite power. In the finest tradition of “one hand washes the other,” the conference committee will select items that are important to all sides and then bundle them together in a “report.” The “report” in fact is a fresh piece of legislation that must be accepted or rejected in its entirety. Because it contains things that are important to all participants, the reports subsequently are approved with little opposition.

[NEXT: Some specific examples]

A Legislative Primer

Good lobbying does make a difference

*By John A. Ostenburg
[Third in a series of three]*

A common expression heard in the rotunda of the Illinois State Capitol in Springfield is that “Nothing ever really is dead!”

What the pundits mean is that legislation has a strange way of popping its head up even after it has failed in committee, failed on the floor of one or the other legislative chamber, or even failed to win the governor’s signature.

A bill that appears to be dead on one day often experiences a truly remarkable and almost spiritual resurrection the next.

While many explanations might be given for this uncanny circumstance, most often the change in status simply is the result of good lobbying.

Influencing a change

A look at the docket during any legislative session will reveal a number of bills that have been introduced year after year, but seldom seem to go anywhere. Occasionally, however, a bill that is going through this process suddenly gains stature and takes on the substantive appearance of genuinely having a chance at passage.

Over the last half-dozen years, for example, proponents of a statewide ban on leaf burning have been tireless in their efforts. Every legislative session, they find a sponsor for their bill and then they go about the time-consuming task of contacting one legislator after another to convince him or her that the proposal has merit.

Back when the leaf-burning ban effort first got under way, few legislators lent a sympathetic ear. After all, who has not enjoyed the pleasant aroma of leaves burning; it is as common as the “Injun Summer” cartoon in the *Chicago Tribune* as the annual harbinger of autumn. It might be viewed by some as almost downright un-American not to allow the burning of leaves.

But the message of the volunteer lobbyists on this issue creates an image far less pleasant than the one most of us instinctively recall. The parents of asthmatic youngsters visit lawmakers and relate incidents where children have died within minutes of inadvertently being exposed to the aroma of burning leaves. Many a legislator has been known to change his or her mind on the

issue after learning that burning leaves emit a chemical that is fatal to children with certain asthmatic conditions.

And so, the proposal to ban the burning of leaves is a legislative measure that keeps coming back and seems to be attracting more and more support as it does. For the current legislative session, Rep. John “Phil” Novak (D-Kankakee), a well-respected lawmaker and the chairperson of the House Environment & Energy Committee, is the chief sponsor of the measure.

Mobilizing public pressure

A few years ago, Illinois was in need of new revenue in order to match federal dollars for Medicaid. After concluding that a limited number of sources for such funds were available, a decision was made to effect the now notorious “Granny Tax.”

The so-called “Granny Tax” actually was a special assessment on nursing home residents of approximately \$7 per day. The reasoning behind the tax was that senior citizens were the primary recipients of the Medicaid benefits and would be hurt far more by the reduction in matching federal funds than they would be by the nursing home tax.

Seniors – and members of their families – reasoned differently, however. As soon as the public gained enough understanding to realize what was happening, a massive mobilization was under way to bring the tax to a halt. Everywhere legislators went, they were greeted by an extensive lobbying effort for the “Granny Tax” repeal. Needless to say, the tax soon was abandoned.

The replacement to the “Granny Tax,” an increase in the cigarette tax, brought some protest too, but nothing comparable to the outrage shown for the earlier tax. Since that lobbying was lightweight by comparison to the earlier effort, legislators have kept the cigarette tax in place, even to this day.

Professional and volunteer

When the legislature is in session, the Illinois State Capitol is filled on a daily basis with individuals who make the journey to Springfield specifically to speak with legislators on a particular topic. Some organizations – our own Union included – often schedule special “lobby days” on which thousands of individuals converge on the legislature to show their support, or opposition, to certain measures.

Usually such organizations are represented on a daily basis during the legislative session by professionals who have a firm grasp of every nuance of the legislative process. They become experts on the bills that are of importance to the organizations and individuals that they represent, and they talk with legislators about them on a daily basis. They also attend committee hearings and often speak on some of these items when they are up for consideration.

On the occasions of the special “lobby days,” they instruct their clients on what items should be mentioned in lobbying visits to individual legislators. This “citizen action” component of the lobbying process becomes very important as the means of reinforcing what the professional has been routinely working to accomplish.

When members of the Chicago Teachers Union go to Springfield for a “lobby day,” the first order of business is a session with David Peterson, assistant to the president for legislative affairs, where they learn what are the important topics for the day. Recent lobbying trips have focused on increasing statewide funding for schools, pension improvements and “5+5” or “2.2” retirement provisions, school reform legislation, teacher re-certification, and a number of other important items that have been pending before legislators.

Day-to-day reinforcement

As important as the special legislative lobbying trips may be, the most important work is done by daily contact with legislators. Mr. Peterson and the other members of the CTU’s formal lobbying team make sure this is done in Springfield when legislators are in session, and also maintain a close contact with lawmakers in between the legislative periods.

Members of the Union, however, also should support the lobbying effort by constantly keeping their local legislators informed of their positions on key issues. Mr. Peterson provides legislative updates at House meetings, through the CTU Hotline, and on the Union’s website, so that members are aware of what the legislative agenda is at any specific time. The members should cooperate with this effort by writing letters or postcards, or by making telephone calls. The direct input of voters from within a legislator’s district always will be the most influential aspect of convincing him or her to take action on a specific topic.

Likewise, member participation in activities such as the annual LEAD dinner, or by campaigning for endorsed candidates at election times, play a major role in helping to convince lawmakers to support Union positions when the legislature is in session. The familiarity that develops through such activities is an invaluable asset when it comes time to go one-on-one with your local senator or representative.

The public policy process is ineffective without citizen involvement. While we as individuals cannot vote on specific measures, we nonetheless should make sure our voices are heard.