

Ray Lebov: Hi, I'm Ray LeBov, thank you for joining us. Today we will be addressing Lobbying the Administration on Policy Bills. I'm here with my colleague, Chris Micheli, who's also going to offer his valuable insights.

Let's start with listing the points of contact. There are a lot of points of contact with the administration that you need to be aware of, and in many instances, you need to lobby. Any bill that has any fiscal impact, you're going to, of course, have to speak with the Department of Finance. If a bill affects a department or agency, you're going to need to be speaking with them. And before I go on and finish this list, I think it's important to understand what it means to lobby departments and agencies.

Departments and agencies are not permitted to take positions on legislation unless they get prior authorization from the Governor's office, but that doesn't mean you don't need to talk to them. You need to talk to them because if a bill affects them, they're going to be the ones who implement it and if you have a bill that you're pushing that is not implementable, the best way you're going to find that out is from a department or agency.

In addition, they're going to be making a recommendation to the Governor as to whether to sign or veto the bill, so you absolutely need to speak with them and even though in almost every instance they're not going to be able to take a position, they can give you technical assistance, they can share with you information that helps you in your development of your legislation and in the path that you pursue trying to get the bill passed.

But remember, every conversation you have with them is confidential. If there's something that they share with you that you feel like you need to share with the rest of the world, before you leave that meeting with them, you need to get an understanding with them that is crystal clear as to what ability they are granting you to do that sharing and you have honor it.

Okay, so in addition to the Department of Finance and departments and agencies, there's the Horseshoe. The Horseshoe consists of immediate Governor's staff, called the Horseshoe because at least in theory, that's the shape of the Governor's office. And it includes the Chief of Staff, and the Deputy Chief of Staff, and Cabinet Secretary, and special advisers and a number of other people, but maybe most significantly for you, the Legislative Affairs Unit.

The Legislative Affairs Director as well as the Deputies in the Legislative Affairs Unit and the Legislative Affairs Unit is structured so that each Deputy has a handful of

subject matter jurisdictions that they are responsible for. The Unit is responsible for every single bill that is introduced in the Legislature and it's divided along subject matter jurisdiction. Depending on who your clients are, you may be dealing with just a single Deputy in that Unit or multiple Deputies in that Unit.

It's really important that you get to know them so that you are not talking to them for the first time when you want something, but also so you know what their idiosyncrasies are. Each one of them is going to have a preference from when they want to hear from you and how they want to hear from you.

Chris Micheli: Well I would add that it is critical that you also supply early on to the Governor's office as well as the relevant department and agencies, your bill letters, even if you haven't had an opportunity yet to sit down with them in-person to discuss it, at least get them your background information and your support or oppose letters so that they have that as they're compiling information to draft those analyses.

As you indicated, in most instances the Governor's office doesn't actually approve many positions to be taken, more often by the Department of Finance than an individual department, but nonetheless providing them your information as soon as possible is very valuable because they are looking at it and as you mentioned any bill that gets down to the Governor's desk has an enrolled bill report that is prepared by the Department of Finance and a separate one by the relevant department and agency and as you indicated they'll be giving a recommendation. You certainly don't want to wait for it to get to the Governor's desk to have your first communications with any points of contact in the administration.

RL: So a few things to add to that, back to the central role that the Deputies in the Leg Unit play, it's even expanded now over what it used to be in prior administrations. They now, get much more involved in budget issues and they also have sort of a liaison role with agencies and departments that they didn't used to have so much.

On your point regarding getting letters in, it's interesting because various deputies take different positions about when they want to hear from you. Some of them say, "I don't want to hear from you when the bill's in the first House because maybe it won't get out of the first House and I'm covering 400 bills." But even in those instances as you say Chris, you want to get a copy of any letter that you are sending to the Legislature so they can put it in their file. Maybe they don't want to talk to you at this point because, "Hey, I've got bills that are winding their way much in advance of- much further along than what you're talking to me about and I don't need to talk to you about that yet, and

maybe I'll never need to talk to you." But absolutely as you recommend Chris; get your letter in so they can get it into the file.

The other thing that I want to just pick up on that you mentioned is why it's important to be contacting the Governor's office relatively early, and that is, let's say, and I've heard this from multiple Deputies in the Leg Unit about conduct that some lobbyists do that is baffling, and they say the first time that we've heard from the lobbyist is when the bill's on the Governor's desk.

We say to them "Hey, the Governor would love, would absolutely love most of the provisions in this, but I don't know about this other provision. He's always been very hostile to this and has vetoed bills in the past." Well if the first time that you're talking to the Governor's office is when the bills on the Governor's desk, you're S-O-L. Guess what? You can't amend the bill. If you had been talking to the Governor's office early on, and had gotten that information from the deputy, you have the choice of amending that offending provision out of the bill but now, it's too late.

CM: Well certainly early in the process they'll be making a determination as to what bills are priorities to them potentially. Either because they support it, they oppose it, or they just think it's a hot topic and they need to be aware of it. They'll make the determination whether or not they want to sit down with you early on or follow-up questions.

But as we've discussed it's important that they at least be aware that your client has an interest, that you are available and if they're not ready to meet in the spring, they want to wait until the summer, or for the bill to get to the second House, that's their determination, but like you said, they shouldn't be hearing from you when the bill's already on the Governor's desk.

RL: And I think that reinforces another point that we made earlier on about honoring their idiosyncrasies and preferences. Every- remember- they're each individuals, they each have a preference about how they want to hear from you, whether it's email or fax or in person meeting or telephone call and when they want to hear from you. You absolutely need to honor that preference and idiosyncrasy.

Again we've talked in many contexts about relationships and building relationships with them and meeting with them when you don't want anything during a time where they are not particularly busy, and you know, building that relationship is going to stand you in very good stead.

The other thing I want to talk about is when a bill passes the Legislature, now we know that there are two different signing periods for the Governor depending on when the bill gets there, whether it's during the Legislative session or at the end of the Legislative session, its either 12 days or 30 days. But you have absolutely no idea when within that signing period the Governor's going to act on the bill that you care about, therefore the rule is, you are getting your letter in urging a veto or a signature immediately upon the bill passing the Legislature.

Maybe the Governor's going to act on it right away, maybe the Governor's going to act on it towards the end of signing period. Whatever your speculation is- forget it! You don't- the speculation is irrelevant, what's relevant is you have your letter in there in time so that if the Governor acts on it, contrary to what you are speculating you letter is in on time, and understand that in most instances, the Deputy in the Leg Unit is making the presentation to the Governor.

Your letter needs to be really short and concise. Think of an elevator conversation. It doesn't mean you can't supplement it with lots of, as much other information as you want to give and you think might be important, but understand, he's acting on thousands of bills so a short, concise letter is really important - supplemented by whatever other information that you want to give.

And I want to say, two assumptions that should not make that people sometimes make. One assumption is, a bill that has passed each House unanimously, do not assume a signature. Governor is totally independent of the Legislative Process- I say totally- virtually totally independent. Sometimes, of course, political considerations will come into play but that's totally his decision to make, so a bill that passes unanimously, do not assume that that means the Governor is going to sign it.

On the other hand, a bill that passes with primarily Republican votes and only if, only the requisite number of Democratic votes to get to the, either the majority or two-thirds, in order to get the bill passed, do not assume that only, because only just a very few Democrats voted for it that the Governor's going to veto it. The Governor in most instances probably doesn't care, might care in some instances, and it might enter into his decision making process but to assume that because a bill passed with mostly Republican votes, that, that means the Governor's going to veto it, no. Do not make that- don't make either of those assumptions.