

# State Legislative Initiative Guideline

## Summary of Guide

This guide is designed to help state advocates desiring to embark on state legislative initiatives introducing laws that support access, conduct of studies/trials, and procure state funding for use. Additionally, we have designed the document to be helpful by following in an orderly way.

New advocates should learn from this guide to understand the state legislative processes and protocols and the history of existing legislative laws passed. It should also assist in streamlining and reducing the time necessary to enact new state legislation across the country. Every state is unique in how they are structured and operate in the state legislature; therefore, education and preparation on these details will help reduce wasted time, reduce frustration, and contribute to success NOW!

The below guidance should be helpful in achieving advanced understanding and success.

## Establish Your Goals

- What is the outcome you want from your efforts?
- Is it access?
- Is it appropriation of funds?
- Is it a formal study accomplished some objective?
- Is it a state run study funded by the state?
- Is it a state run funded by state and private money?
- Is it funding by state to conduct a private study?
- Is it a grant from the state, a university or private entity to fund or do something as part of an overall study?

## What are your interim goals if any?

- Is it to get access first, funding second, and approval third?
- Is it to get the federal government to reimburse your state for funding?
- Is it to get authorization, establishment of a state fund, process to contribute or receive from a fund?
- Is it to include community organizations, or other government entities?

## Strategy

Based upon the goal and the interim goals you set, you should have a strategy to achieve these goals. Below are a series of considerations and actions you can organize to develop an action plan and sequence of actions your team should undertake. This will be your task list.

After you develop the tasks lists, build a time estimate to complete each task and the people who will accomplish each task. We are providing a list of tasks in no particular order as many can be worked simultaneously. However, we recommend you backward plan based upon the goal(s) you seek. We also recommend that you break large tasks into phases or sub-tasks. For example: The task may be to get a bill passed out of the state General Assembly. Break this task into phases such as:

- Identify your bill author or sponsor and educate them and their staff members
- Identify additional authors or sponsors and educate them and their staff members
- Get the bill assigned to a particular committee (example: public health)
- Get the Committee Chairman to schedule a hearing
- Identify and schedule people to testify in support of bill
- Identify and gather evidence to submit in support of your bill
- Ensure those testifying will be prepared and practiced
- Speak to committee members prior to the committee hearing to answer their questions and seek their support
- Identify any opposition and prepare rebuttals to that opposition

These sub-tasks should be time lined, and assigned so success of these tasks is ensured.

***Note: Don't do these tasks by yourself. Network and have a support team of others for information, recommendations, and ideas.***

## **Structure (no specific order)**

1. Research and get copies of existing state legislation enacted or links to each.

- Visit web sites that have details on your objective and other state law to download copies of enacted legislation. You can use existing language already enacted from other states that will further bolster its chances of acceptance.

2. Leverage and or build coalitions aimed at collaboration, cooperation, communication and coordination aimed at consensus.

3. Prepare a book or package of information, including Frequently Asked Questions (FAQ) that answers the questions you will be asked. You can build your own from information package from information contained on other websites.

4. Obtain an overview of your standard state legislature structure (House, Senate, Committee's, Legislative Sponsors, Lobbyist, etc)

- Gain an understanding of how each works, schedules, members of each.

5. Drafting legislative process to include who, what, when, where, how, review process, submittal

- Identify your bill author / sponsor (s), ask them to provide you with a detailed overview (written if feasible) of how the process will function, normal timelines, etc if needed.

6. Introduction of bills to committee and floor and providing expert testimony (bring experts or become one) throughout the legislative process, become subject matter expert on the subject

- No one will be an expert in the legislative groups unless you bring one or become one. We cannot over emphasize how important this item is in the legislative process. State Agencies, other Military & Veteran Organizations are typically ignorant of your topic. Assume they will be skeptical and dismissive in some cases. Don't let them turn the legislators against your efforts. Be prepared to go into detail if needed to counter their position. To avoid this seek them before your bill is heard in committee and convince them. This could be critical as these ignorant legislators are often viewed as the "expert" and other legislators usually follow their lead on these matters.

7. Requirement to develop a relationship with multiple state legislative sponsor(s) in House and Senate

- You need to build consensus and support throughout the process among the majority of legislators on committee's and the floor to have a successful outcome.
- Identify key legislators who could persuade other members on committee's or on the floor. It is not always the Chairman of Committee's.

8. Understand your party lines, pro and con for different legislative bills

- Especially important for bills that have not passed that have direct correlation, such as pharmaceutical or medical bills.

9. Review prior state bills enacted, who were the sponsors, what laws align with your proposed legislation

- You may be able to leverage prior agreements and understandings on language that has previously passed committee or the floor votes.

10. Identify your different state legislative sessions (dates and times) and what is accomplished in each

- Each state may be different in how and when they meet for budget approvals, etc.

11. Identify state House and Senate members, their districts and regions, what committee's they serve on, the senior legislators, committee chairs (and who are service veterans). Armed with this information you can narrow your search for your bill authors and sponsors. You will also discover who you will have to see and work to get their support. Ask them for their guidance and input to insure you don't miss something and to give them the feeling that they are needed. Ask them about opponents and what you and they can do to overcome or minimize their opposition.

12. Identify who within the House and Senate may oppose your bill, assess how you can win their approval by providing facts, testimony, historic data, proven accomplishments, etc.

13. Educate and train legislators in advance on the benefits and values of people who will be impacted by your legislation. This can include one-piece fact sheets, power point presentations, testimonials, u-tube videos of residents/veterans from your state and others. All the support you can attain from Lobbyist, Police, Fire, and Veterans is an important segment to provide to legislators to reinforce supporting your legislation is a good decision and that their voters will be appreciative and want to know how you helped them. No one wants to be against veterans, the police, fire, and other public safety—leverage that to your advantage. Know how your legislation will help them all, whether they are veteran or not.

14. Seek lobbyist entities to support the legislation. This would include the Associations in the state; the unions, the Military Organizations, and the Veteran Service Organizations, etc.

15. Seek support from units and individuals interested in your cause. I.E. Army Reserve Unit Commander, 1<sup>st</sup> SGT, Recruiters, former members of a unit, and other interested parties.

16. Talk to the State Agency affected by your legislation, State Veterans Department, Family Social Services Department, and any appointed commissions/groups working for the Governor (Commission on Higher Education).

17. Find out if the state has a fund and what is the process to get funding from it. You may want to pursue this source of funding first. Each state should have a Veterans Program Trust Fund (pot of money to help veterans and others) that can be another resource for funding. If you find no existing funding source you will need to create one as part of your legislation. Additionally, you will need to insure the new fund you are creating is appropriated money to fulfill the need (This is usually done by adding to the budget (usually done in the House Ways & Means Committee and having approved by the appropriators (usually done in the Senate Committee).

18. Find out what foundations exists in the state and who the contacts are so you can seek their financial aid. You may want to seek legislation where your state government will match private donations as a funding approach. National Foundations are another resource for funding and may include organizations such as Elizabeth Dole Foundation, The Bob Woodruff Foundation, or Hidden Heroes.

19. Visit with the County Veteran Service Officers Association if one exists to seek their assistance with legislators and county leaders for some funding. And if they do not exist—then visit several county officials who help our military and veterans today.

20. Visit with Veterans Treatment Courts to seek their support and interest. Many current military and veterans end up in these Courts. Find out if they collect data that could be helpful. If you can get a judge to send a service member or veteran and he/she shows significant improvement—use the judge to support your cause and the need to get funding to formally conduct a pilot or a study in your state.

21. Visit with your State Attorney General seeking his support with seeking reimbursement from the federal government if needed. In some cases the state could or should be reimbursed by the federal government. The state provided the benefit or service when the VA or other federal agency couldn't, wouldn't, or didn't and should be reimbursed.
22. Identify locations in the state that have what you want or need (if appropriate) and get their address, contact information, determination of a 3<sup>rd</sup> party is involved at these locations (places where outside contracts are in place to serve the location). Determine who are the legislators (House and Senate officials) where these facilities reside. They may become the bill authors as they often support the facilities/services in their districts.
23. Meet with House and Senate Policy Directors and Lawyers to seek their assistance in bill drafting, financing, assigning to a particular committee. It is possible they can send a bill to the most favorable committee (Education vs Veterans Affairs or Appropriations vs Public Policy, or some other committee).
24. Find out if research entities exist in the state and are any involved in your legislative idea research. These may be Land Grant Universities who have governmental support for trials or studies. Seek their support as they may be the provider best suited to help and collect data. They may also be an opponent you will have to work against.
25. Develop a technical support team. Make sure they are willing to be available.
26. Find out which legislators work in the area you are seeking legislation in (IE. Teachers in the Education Industry). Try to make them supporters through education conducted by you or your technical support help.
27. Do a tactical assessment of what is occurring currently within the federal government (especially the VA) in your state. Do they have programs already? Learn all you can about their protocols, successes, failures, suicides, etc. Probable will be difficult to attain the data, but important for your due diligence. Plain to visit each federal site in the state, each is managed independently from the other with their own leadership team. Where one will be helpful, the other may not. Attempt to make them part of the solution versus the problem. There may be those who are sympathetic or recommending your proposed legislation.
28. Do an overall assessment of state VA Commissioners, each is appointed by your respective state Governor's and their tenure is directly connected to the election cycles. They can be a powerful ally in seeking funding support and leveraging veterans needs across the state. They should be a part of your overall support network.
29. Strategic alliances with news media that can be nurtured and developed for the benefit of the initiative you are pursuing. Plant strategic and timely stories with the press whenever feasible.

- Develop a strategy and plan on how the media can be leveraged for major milestones and accomplishments. I cannot over emphasize how important this can be to your overall success.

30. Develop a social media strategy to leverage support and pressure non-committed people and entities to adopt your strategy.

- Facebook, Instagram, Twitter is where the under 30 age groups look for their news feeds and information. This so happens to be the same age group in our military most impacted by your legislation.

31. Know your state veterans' information and statistics. You may begin with [http://www.va.gov/vetdata/veteran\\_population.asp](http://www.va.gov/vetdata/veteran_population.asp).

32. Consider drafting a one-page summary document you can share with legislators. It should include problem statement, purpose of legislation, background, and any pertinent data or references.

33. Develop a "current efforts tab with individual states" as a separate document you can share so you can use it in support of your state effort. Often legislators and government leaders want to know what other states are doing to give them comfort in venturing forward. Having this tab may help you evolve as it has helped others. You should read through each of the bills in detail for other states to capture all the key detailed points from each of their state legislation bills if you plan on referencing these in your own legislative efforts and or updating references to additional stated bills.

## **State Legislative Funding Guide**

The following guideline is intended to provide basic guidance for navigating state legislative houses for seeking and attaining funding to support your legislation. Each state may vary in their processes, protocols, and standard regimen for seeking approvals and Appropriations. Our recommendation is to become familiar with your individual state requirements after reading these guidelines as well as working directly with Legislators and staff members who are already willing to sponsor the legislation.

### Key Points of bill language:

1. Keep your bill simple (3-4 page maximum)
2. State funding may be essential to make a difference in your legislation. If there are special rules for accessing this money, include them in your legislation.)

3. Identify funding distribution control through the state of your legislation (Ex: State VA Commissioner Dept).
4. Ensure that all facilities are providing exactly what you want or need – spell it out but do NOT use brand name.
5. You may want to include annual program progress reports back to Governor and legislative leadership.
6. Insist on measurements if desired in an annual report. However, be cautious not to build a bureaucratic overhead that could suck money away from actual use.
7. Limit liability if appropriate.
8. Establish criteria for inclusion/exclusion into your program or for your legislation. Be cautious not to name products, expertise requirements that will limit or eliminate providers. For example: Don't require a neuro-medical person to be present, or at the facility.
9. University research funding should be avoided (state dollars are too often research siphoning off the purpose of the funding).
10. Plan on speaking to individual House and Senate Committee Chairmen and Vice Chairmen that are on the critical appropriations and budget funding committees.
11. Seek to ensure bipartisan support. Plan on focusing on the majority party but don't discount the importance of seeking and attaining second party support (Republican/Democrat)
12. Best to speak in person before House and Senate Committee members and staffers. Written and video testimonials are also important. Provide leave-behinds that you can use to follow up to confirm support.
13. If you are a non-profit, investigate what is required to be bonded in the state if seeking direct funding from the state. ID criteria for bonding.
14. Call for Objective measurements. Describe but don't name specific testing.
15. ID what is required for reporting on financials.
16. Commit to providing annual report back to House and Senate members on performance and results of this legislation along with financial costs where possible.

17. Identify what the state budget currently is on your legislation and where it is deployed in the communities.
18. Review state Code: find appropriate place where the new Code would fit. Usually code should be added to the area that covers the military and/ or veterans. You should also look in the area of your state code for services if that is what you are pursuing.
19. Draft up proposed changes to the state Code using existing Code and (using red) strike out text to be deleted and or add new text.
20. Write up a rationale document to be provided to legislative staff.
21. Review list of Senators and Representatives who serve on "your topic", "Veterans Affairs", "Ways & Means", and "Appropriations/Finance" Committees". These are the key lawmakers that will decide your bill and fund it. Select one legislator from the House and Senate to author your bill. We recommend selecting people from the ranking party, Republican or Democrat., but cast your net widely.
22. Schedule a meeting with each person that you have chosen to be your primary author/sponsor. Meet them and get their buy in as an author/bill sponsor. They will have a legislative support organization who will draft up the Bill (language from the state code) you are seeking to make law. They will have different names by states, an example in Indiana is the "Legislative Support Agency [LSA]". They are made up of lawyers and financial analysts. Try to get authorization to work with them directly so you can guide them through the Legislative changes and the funding needed.
23. While the legislative support team is drafting the bill and fiscal analysis, we recommend seeking a "Co-Author" from the opposite party, Democrat or Republican. Work to find the minority ranking member on the committee. Meet with this person and explain your proposal. Ask them to contact the author and ask to work with the author on the bill as "co-author".
24. Once the drafted bill and fiscal analysis documents are complete, try to meet with the chairperson of the committee that the bill will most likely be assigned. Seek their support. You should also try to meet with the Floor leader and seek their support. This person usually runs the "back-room party meetings" where they discuss the bill and agree to pass the bill.
25. Schedule to meet with the Speaker and his "bill assigning person" to explain the bill and help guide the bill to the committee you desire it to be assigned. This helps you to ensure the bill will get a hearing.
26. If you have agencies or expert witnesses that are supportive, we recommend seeking their testimony (in person preferred, video, written) in support of the bill.

27. When the bill is heard, have your witnesses speak or provide video/written testimonies on behalf of the bill.
28. Know the process for moving proposed Legislation through each chamber. Assuming the bill passes out of all subcommittees and committees, it is likely to be "re-committed" to Ways & Means in the House or Appropriations/Finance Committee in the Senate. You must start over with step 7-8-9-10 in this committee.
29. Assuming the bill passes out of the "money" committee; it will go before the full House or Senate for final passage in that chamber. There is little you can do during this step except seek the floor leader's push to pass.
30. Assuming the originating chamber passes the bill; now it goes to the opposite chamber and the process starts all over. The author of the bill will identify a person to sponsor the bill in the opposite chamber. If you have had authors of the same bill done originally then you can recommend the sponsor be the person who authored for you. We recommend trying to get the same bill authored in both chambers to start with as this doubles your chances of getting it heard. And if both chambers pass the original bill there may be no need to do the "crossover" work. One bill will be selected, and it will go before the full chamber for final passage.
31. THIS IS A CRITICAL STEP. Make sure the state budget has added the funding or else you may not get the funding you need to execute the bill. [NOTE: Not all states have passed funding in the original Bill. Ascertain as early as possible the likelihood that funding is available.]
32. Recommend also reviewing state enacted laws of other states to review for language of funding. You can let legislators know that "Indiana provided \$20 Million a year for that. If they did, why shouldn't our state do the same?"
33. Factor in annual cost escalations on projected costs. The 114-year annual average inflation rate is 3.24 percent (inflationdata.com).
34. Work to build in bill language on annual automatic re-funding.
35. Identify what will be the largest resistance to funding and have a plan to address each element and funding issue the state law makers may identify.
36. How do you respond to the question that is typically raised: Why isn't DOD or the VA paying for the cost and not the state?