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COMPLIANCE NOW



E-News from State and Federal Communications, Inc.

May 2008

The 5 Commandments of Lobbying

We all know about the 10 Commandments and Moses bringing them from the mount. During our life we also learned other commandments, such as the 11th, "Thou Shalt Not Divide by Zero" learned in high school math.

In April, I attended the U.S. Chamber of Commerce's Small Business Summit in DC and learned a lot. As a small business owner I find myself involved and interested in both the government affairs and small business committees for the U.S., Ohio, and Greater Akron Chambers of Commerce.

At the Summit, Rolf Lundberg conveyed the following Top 5 Commandments of Lobbying, which were originally penned by Bruce Wolpe, author of "Lobbying Congress: How the System Works."

Commandment #1

Thou Shalt Tell the Truth

Lobbyists are only as good as their word. They should tell the whole truth and nothing but the truth. Failure to tell the whole truth about an issue damages a lobbyist's credibility with members of Congress.

Commandment #2

Thou Shalt Not Promise More Than What Thou Can Deliver

If you promise to line up allies on an issue or generate grassroots support, then you had better follow through.

Commandment #3

Thou Shalt Know How to Listen So Thou Knows What Thou is Hearing

Politics is about language. You must be able to interpret language spoken to you by a Member of Congress. Don't confuse phrases such as "I want to be with you on this," or "you're right, something has to be done about that" with a firm commitment of support. In addition, even if a Member of Congress indicates his or her commitment on an issue, always be prepared for the possibility that they will eventually vote against you, with the explanation of "there was a change in circumstances."

Commandment #4

Thou Shalt Not Circumvent Congressional Staff

Members of Congress can't possibly keep up on all of the issues that come before them, so they depend heavily on their staff for guidance and assistance. A lobbyist should develop strong relationships with staff.

Commandment #5

Thou Shalt Not Spring Surprises

More than any other member of the human species, Members of Congress do not like unexpected bad news. They demand relevant and timely information – how much support does a bill have? Where does the committee leadership stand on the bill? Where do other influential members stand? How has the issue been portrayed in the media?

A group of U.S. Chamber of Commerce lobbyists offered a few other pointers for visiting small business amateur lobbyists:

- Personal anecdotes from people who run small businesses carry a lot of weight with Members of Congress.
- Business owners should attend town hall meetings and other events in a member's home district. Constituents in the district tend to get the members' ear.
- Before your meeting, know the issue you want to talk about and ask for the staffer who covers that issue.
- Make a checklist before your meeting: Who are you meeting with? What issue are you there to talk about? What are you asking for?
- Try to avoid doing all the talking and listen carefully to determine if the member knows a lot about the issue and where he or she stands on it.

Until next month, keep all these commandments straight and let me know if you grew up hearing any other ones.

Elizabeth Z. Bartz

President and CEO

Canadian Compliance for US Companies™ focuses on Canadian legislation, both at the federal level and in the 10 provinces and three territories. This service is intended for U.S.-based businesses, organizations, and associations and not for Canadian-based companies. There is a need to understand and deal with changing Canadian regulations, so we have taken the lead here to present this new service to you. State and Federal Communications, Inc. encourages you to take advantage of the free trial! Simply log-in to your account and sign up for one free month of service!

THE EXECUTIVE SOURCE GUIDES

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State and Federal, SGAC Strike Note of Hope in New Orleans

by Megan Huber, Compliance Assistant

It was a dreary Saturday morning in New Orleans April 5, when volunteers from the State Government Affairs Council, including Elizabeth Bartz, Christine Wheeler, and Megan Huber from State and Federal Communications, boarded a bus to the New Orleans Area Habitat for Humanity building project Musicians' Village in the Upper 9th Ward. This project was developed by Habitat for Humanity International and NOAHH, in conjunction with Harry Connick, Jr. and Branford Marsalis, to help bring the heart and soul (and blues and jazz) back to New Orleans by providing new homes for musicians displaced by Hurricanes Katrina and Rita.

Even though we passed houses still boarded up and abandoned, we found the



one end of the street were nearly completed homes, painted in vivid colors—including one with two shades of purple! At the oppo-



site end and across the street were homes just having their foundations poured. In between were homes at every state of construction—from partially completed frames

to completed exteriors in need of inside finish work. In all of these buildings there were opportunities for the SGAC volunteers to contribute to someone's new home.

Some volunteers, like Dennis Brown and Justin Short of Equipment Leasing and Finance Association, worked with a team raising rafters on a framed-in house. Elizabeth Bartz and Katherine Whitehead, SGAC Manager of Member Services, worked on painting interiors. Christine Wheeler helped a group finish a front porch on yet another house. And, I helped first with detail work on a porch at one house, and then on interior detail work at another. Never have I been happier to scrape paint, set nails, and putty nail holes.

While the SGAC volunteers didn't raise and complete a house in a day, we did help make sure someone's future home becomes a reality. Every house we worked on in Musicians' Village will become a cherished home—perhaps for a musician who will return and bring the music back to New Orleans.

Summary of Changes UPDATE

1. Tennessee's governor signed Senate Bill 3691 on April 7, 2008, taking effect immediately. Among other things, the bill provides for ethics training to be provided while the legislature is in session and limits random audits to the last two years.
2. The Idaho Secretary of State's office has indicated no lobbyist activity report will be due May 10th even though the legislature was in session for the first two days of April. Any expenditures or lobbying activity on April 1st and April 2nd will be reported on the annual report.
3. Effective July 1, 2008, due to the passage of Idaho Senate Bill 1446, lobbyist reports will be due on the 15th day of the month (rather than the 10th day) while the legislature is in session. Additionally, executive branch lobbyist semi-annual reports will require a signature from the lobbyist AND the employer (rather than just the lobbyist).
4. Louisiana's legislature has continued to introduce bills affecting the state's ethics laws and in some cases proposing changes to legislation passed during the special sessions called earlier in the year.
5. Montana was the latest of many states to adjust its contribution limits due to statutorily mandated inflation or cost of living adjustments.

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Colorado Update Amendment 41

by Tracee Hilton-Rorar, Senior Research Analyst

On April 26, 2007, Governor Ritter signed into law Senate Bill 210 (Amendment 41), which authorized the creation of an independent ethics commission and established two different gift bans: the "\$50" and the "zero-dollar" ban.

The \$50 ban provides covered government officials and employees may not directly, or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, solicit, accept, or receive any gift or other thing valued at more than \$50 in any calendar year from a person, without the person receiving lawful consideration of equal or greater value in return from the covered employee or official.

The zero-dollar ban prohibits any lobbyist from either giving a thing of value to a

covered individual or knowingly paying for a meal or beverage to be consumed by such a covered person. The provision specifically states the limitation applies to both a lobbyist's business and personal events.

On May 31, 2007, the Denver District Court issued a preliminary injunction enjoining the enforcement of these gift bans on First Amendment grounds. On February 25, 2008, the Colorado Supreme Court refused to hear the case on the merits because the independent ethics commission was not yet formed. Subsequently, the independent ethics commission was created on March 18, 2008. On April 22, 2008, the Denver District Court vacated the preliminary injunction. The next scheduled status conference in the district court is November 24, 2008.

Although Amendment 41 is now in effect, the First Amendment Council stated the gift ban is unenforceable until the commission promulgates rules. It is anticipated the commission will not complete this task for one or two months. However, the commission is already under the duty to provide advisory and letter rulings. Any public officer, member of the general assembly, local government official, or government employee (including anyone who contracts with the State of Colorado) may submit a request for an advisory opinion to the commission. The commission is required to issue advisory opinions within 20 days of the request. All other persons may submit a request for a letter ruling. The commission is not required to respond within a certain time-frame.

State Government Relations Workshop

by Christine Wheeler, State Researcher

Spring in New Orleans has always brought to mind Mardi Gras and Bourbon Street...but spring in New Orleans now calls to my mind the SGAC Annual Meeting and Workshop. Along with memories of Bourbon Street and the lively SGAC buffet dinner at Bourbon Vieux, the many workshops presented offered thorough points of interest by:

- Political strategist, Donna Brazile, a super delegate still "on the fence" between Clinton and Obama,
- 130 campaign finance statutes simplified by Ken Gross,
- The "Orange Voice" of Steve Arthur, who explained how he gets the word out to

associates about policy issues affecting Home Depot. I also had the pleasure to hear about



Julie Germany's "lolcats" from the website Icanhascheezburger.com as an example of how social networks and blogs are changing the political landscape. Mayor Ray Nagin told us, first hand, the reality of what it is was like to be in charge of the city during and after Katrina, and handy ways to control a media confrontation by Arch Lustberg. The opportunity to meet with everyone at the conference has allowed me to tailor my research to more precisely meet the needs of our clients and subscribers. I look forward to reconnecting and meeting new government affairs professionals at next year's meeting in San Francisco.



Elizabeth and her husband, John Chames, live in a house divided in many ways. She is a Michigan Wolverine, John is an Ohio State Buckeye. Truman is Elizabeth's dog and Lincoln sides with John – both politically and with each master!

For Pets Sake ... meet Lincoln and Truman

These Cavalier King Charles Spaniels belong to Elizabeth Bartz and her family. The brothers are a year and a half old. They dance for their supper and enjoy a deep snoring sleep afterwards. Lincoln and Truman are extremely playful companion dogs that enjoy the company of anyone willing to play with them.



Due to the primary election to be held in California on June 3, any monetary or non-monetary contribution or combination of contributions

totaling \$1,000 or more in the aggregate made from May 18, 2008 to June 2, 2008 must be reported within 24 hours.

Alberta's legislature has passed the Lobbying Act, which will require registration and reporting by lobbyists, and it received Royal Assent in December. The bill will take effect upon proclamation by the Lieutenant Governor in Council. The government has no estimate of when this will occur.

See Us in Person

Plan to say hello at future professional development events where State and Federal Communications will be attending and/or speaking on compliance issues.

- May 29 – May 31** Council of State Governments 75th Anniversary Celebration, Lexington, KY
- June 4** SGAC Reception, Atlanta, Georgia
- June 17 – 20** BIO Convention, San Diego, California
- July 22 – 26** NCSL (National Conference of State Legislatures), New Orleans, Louisiana
- July 30 – August 3** ALEC (American Legislative Exchange Council), Chicago, Illinois



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Landmark Series – Mount Rushmore

This article is one of an ongoing series that focuses on historical and/or significant landmarks. Information gleaned from nps.gov, wikipedia.com and other sources.



23 miles southwest of Rapid City, South Dakota, is Mount Rushmore, a national memorial to America and the first 150 years of its history. The faces of four presidents are carved into the southeast face of the mountain, and they remind America even the impossible is possible. The sculpted faces are those of George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln.

The "Father of our Country", George Washington, is recognized because of his leadership role in the cause for independence. He presided over those charged with forming our nation's government.

Thomas Jefferson's greatest achievement during his presidency was the purchase of the Louisiana Territory. The Louisiana Purchase doubled the size of the United States. We also remember him for his part in drafting the Declaration of Independence and his idea of government by the people.

Theodore Roosevelt is recognized for the 20th century role of the United States in world affairs. He spearheaded linking the East to the West with the construction of the Panama Canal which spurred economic growth.

Abraham Lincoln is renowned for the permanent union of the states and securing congressional approval of the 13th amendment to the Constitution, abolishing slavery.

Mount Rushmore was

first conceived in 1923 with a motive to increase tourism in the Black Hills region of South Dakota. Doane Robinson, a South Dakota state historian, wanted to create colossal carvings of western heroes who symbolized America's history. After long negotiations, the Mount Rushmore project received Congressional approval to begin carving in Harney National Forest Preserve (now

Black Hills National Forest). Under the direction of sculptor Guizon Borglum, and the efforts of 400 men and women, the carving of Mount Rushmore began in 1927 and ended in 1941. 90% of the construction involved setting charges of dynamite to specific sizes to remove precise amounts of rock. When only three to six inches of rock were left to remove, drillers and assistant carvers would drill holes very close together (called honeycombing), and this would weaken the granite so it could be removed by hand. In the final step, the surface was smoothed with a bumper tool or hand facer. In the 14 years of construction, there were no fatalities and few injuries. Although in 1941, Borglum died suddenly of an embolism. His son, Lincoln, took over for the next several months until funding ran out. The carving of the memorial was shut down and the presidential faces were complete as they stood. The total cost of the project was \$900,000.

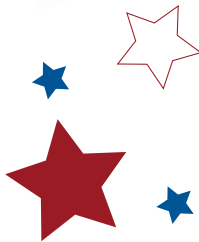


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