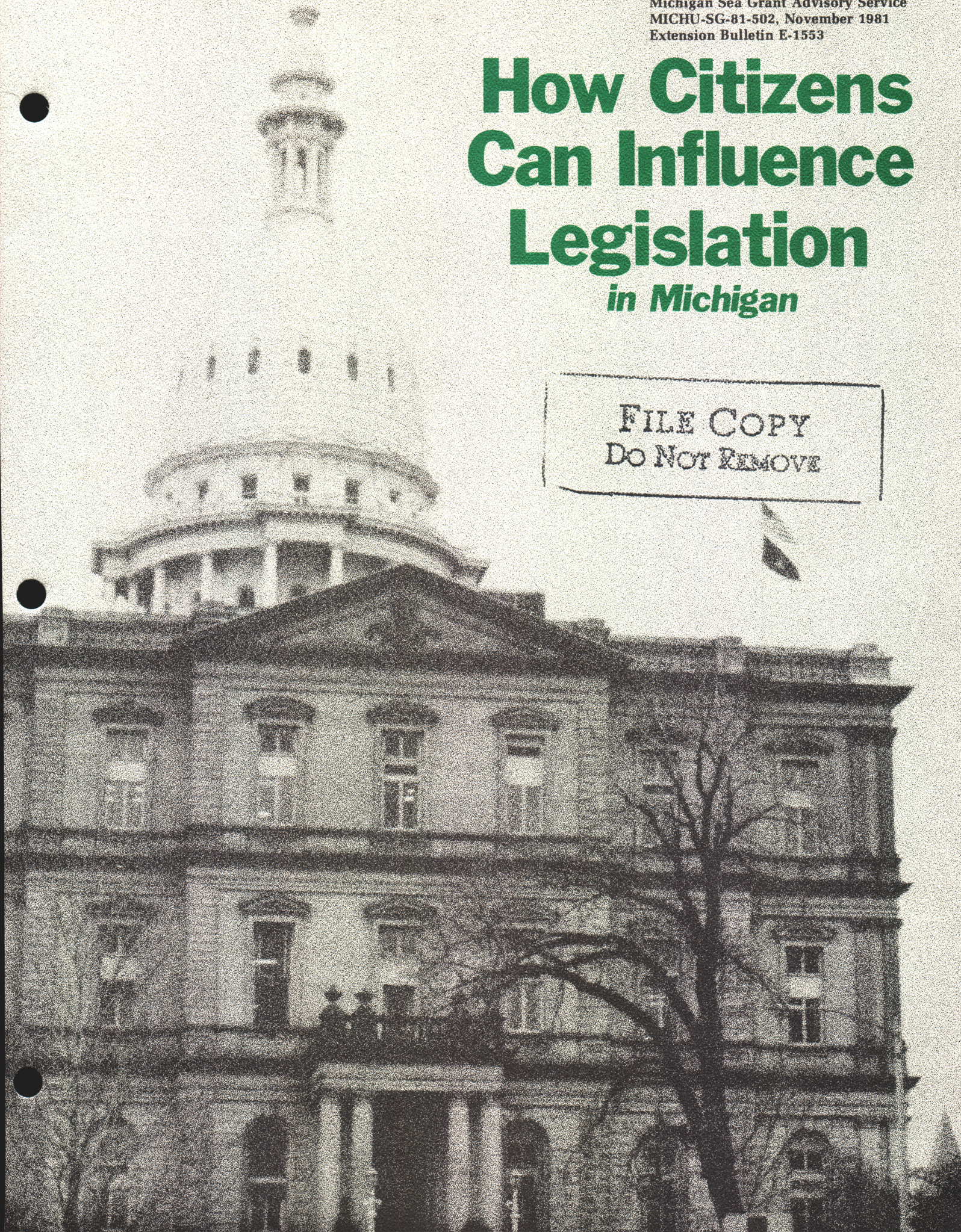


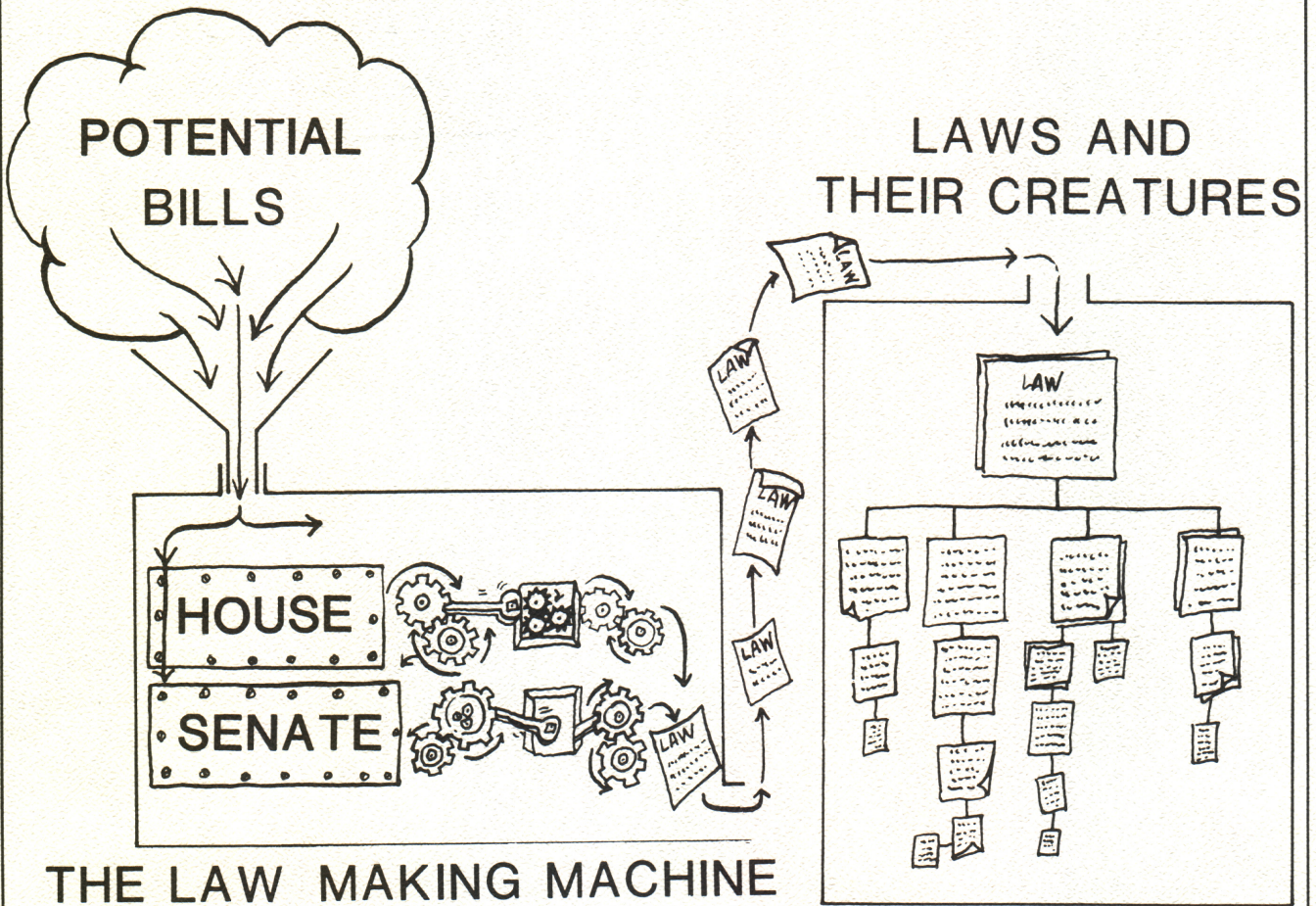
# How Citizens Can Influence Legislation *in Michigan*

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# THE LEGISLATIVE PROCESS





# How Citizens Can Influence Legislation in Michigan

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## CONTENTS

|   |   |   |    |
|---|---|---|----|
| <b>INTRODUCTION</b> .....   | 1 | <b>THE LEGISLATIVE PERSONALITY</b> ....                                     | 8  |
| <b>WHY BOTHER?</b> .....  | 1 | Public image and reality: understanding personality types.                  |    |
| <b>GREAT POTENTIAL</b> —  |   | <b>STRENGTH IN NUMBERS</b> .....  | 9  |
| The slow pace of government action and citizen (un)involvement.                           |   | Mobilizing your association or organizing a group; goals and strategy.      |    |
| <b>DEMOCRACY IN TROUBLE</b> —   |   | <b>A FINAL WORD</b> .....   | 10 |
| (Lack of) public confidence and (low) voter turnout.                                      |   | <b>REFERENCES</b> .....   | 12 |
| <b>WHY THE APATHY?</b> —  |   | <b>ACKNOWLEDGEMENTS</b> .....   | 12 |
| The distance between citizens and representatives; local problems with state "solutions." |   | <b>BOXES</b>  |    |
| <b>PARALYZING MYTHS</b> —   |   | <b>THE COMMITTEE</b> .....  | 3  |
| The relationship between group size and effectiveness in influencing public policy.       |   | The functioning of the legislative committee and the success rate of bills. |    |
| <b>GETTING YOUR BILL PASSED</b> .....   | 2 | <b>THE FORMAL PROCESS</b> .....   | 5  |
| <b>CHECKING THE REGULATIONS</b> —   |   | A step-by-step review of how bills become law.                              |    |
| Where to seek help.   |   | <b>FACTS ABOUT THE LEGISLATURE</b> .....                                    | 9  |
| <b>GETTING AN AMENDMENT</b> —   |   | Characteristics and background of Michigan House and Senate members.        |    |
| How the Wetlands Act could be made to help you.   |   | <b>PROPER TOOLS</b> .....   | 11 |
| <b>WORKING WITH THE COMMITTEE</b> —   |   | <b>Testimony</b> — Who, how and when to testify.                            |    |
| The probability of a bill becoming a law.   |   | <b>Proposing an Amendment</b> — How to amend a bill.                        |    |
| <b>LOBBYING IN THE HOUSE AND SENATE</b> —   |   | <b>Letters</b> — What, how, and to whom you should write.                   |    |
| Winning support for your position.  |   | <b>Phone Calls</b> — When to rely on the phone and whom to call.            |    |
| <b>THE WETLANDS PROTECTION ACT</b> ...  | 4 |   |    |
| <b>HISTORY OF THE BILL</b> —  |   |   |    |
| Twelve years of Wetlands proposals: their progress and fate.                              |   |   |    |
| <b>RESTRICTION ON WETLANDS PRESERVATION</b> —   |   |   |    |
| Application to counties and the statewide land inventory.                                 |   |   |    |
| <b>ADVOCACY AND CONSENSUS PROCESSES</b> —   |   |   |    |
| The Wetlands and Land Inventory Bills as examples.  |   |   |    |



## INTRODUCTION

Calvin Coolidge, in beginning his presidency, assured the American public that:

"We cannot do everything at once, but we can do something at once."<sup>[1]</sup>\*

We hope this publication will convince you that you are an essential part of the governing process and, as such, that you can indeed do something at once. To help, we will provide you with some tools and suggestions for taking action at the state legislature.

To influence public policy, one must understand how the legislative process is designed to work in principle, and how, in fact, it works in reality. To illustrate this difference, we will briefly review the procedures for passage of a bill by the Michigan Legislature and use some case examples to point out how the actual process diverges from the civics book ideal.

As with other institutional structures, people make government what it is in reality. Therefore, in addition to knowing the formal structure of the Michigan Legislature, an appreciation of the personalities involved in government is important to you if your voice is to be heard in our system of participatory democracy. We believe this is true for all levels of policy making, from your city council to the state legislature or even the United States Congress.

Since classes in citizen lobbying are rarely offered, most people who want to effect changes in legislation learn only by experience. Or, as Jeff Greenfield put it in his recent book *Playing to Win: An Insider's Guide to Politics* [2, p. 26], "usually there [is] no recourse but to learn it by trial and error (or, in the case of the Nixon White House, error by trial)." We hope that this bulletin will encourage you to become involved by reducing the possibility of errors while shortening the trial period.

## WHY BOTHER?

### GREAT POTENTIAL

Government affects us all, and our representatives are capable of making great changes in our society. Government action usually moves at glacial speeds even though the potential to change speed and direction clearly exists.

Jeff Greenfield [2, p. 24-25] reminds us that:

Elected officials, after all, do decide who shall pay what taxes, how schools shall be run and financed, what you can build on the property you own, how our waterways shall be used, how the conduct of commerce shall be restricted, who shall operate our radio and television airwaves, and whether your sons — and perhaps daughters — shall go to war.

However, he believes that the way politics is practiced today conjures up:

... the image of an enormous model railroad, covering the entire floor of a great arena, complete with every imaginable switching device and special effect, which has been turned over to an operator who chooses to run a two-car train around a small circle.

Its proud owners can point to a mechanism of remarkable size and sweep, and outsiders can marvel at this great system, even as the little locomotive spins around the little track.

Some have suggested the main constraint to achieving this great potential is an "apathetic citizenry" that only becomes involved when its vested interests are threatened. But aren't we really involved when we vote and elect our representatives? Aren't we involved when we pay our taxes to keep over 20,000 federal employees in the air everyday traveling about on government business?

Sure! But there is much more to be done to develop a more consistent working relationship with these public servants so that the work they do truly benefits the public. They are, after all, devoted to protecting the public's health, safety, and welfare — and they are working for us.

### DEMOCRACY IN TROUBLE

By design, few people are involved in making the public decisions which affect our lives. We live in a representative democracy where a single individual acts for a large constituency. In Michigan, for example, each state senator represents more than 230,000 people and each representative, 80,000. It might be confusing in today's complex and fast-paced world if everyone could vote on every issue, although electronic communications and computers make this a possibility. By choice and by tradition, however, we tend to leave decisions about public policies to our elected officials.

Recently, we have grown skeptical about how well we are being represented; public confidence in our political institutions has fallen to an all-time low. For example, a Harris poll conducted in the mid-1970s indicated that 55 percent of the public think that "public officials don't care much about what people like me think," and 72 percent believe "government is run on behalf of a few special interests."<sup>[3]</sup>

Since 1959, pollsters at the University of Michigan have measured public attitudes towards politicians. In the beginning, they found that only 20 percent of the public expressed distrust of political authority. By 1978, however, the surveys found 55 percent of the people distrusting political authority.<sup>[4]</sup> As the Harris organization concluded, "A central fact is that in our nation, in our people, disaffection and disenchantment abound at every turn. That disaffection has now reached majority proportions."<sup>[3]</sup>

Low voter turnout may be an expression of this growing distrust. We are, of course, required to pay our taxes but voting, as a measure of voluntary political involvement, is declining nationwide. In Michigan, 82 percent of the registered voters turned out in the 1968 presidential election; 72 percent turned out in 1976; and in 1980, only 69 percent of the registered voters cast their presidential ballots.<sup>[5]</sup> Researchers point to this as a sign of the apathetic electorate.

Our form of government is based on the consent of the governed to make it a legitimate system. As people become less and less involved, our government functions less effectively as a representative democracy. With less

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\*Numbers in brackets refer to references listed at the end of this bulletin.



citizen involvement, might not our government be considered illegitimate?

### WHY THE APATHY?

It is easier to know local officials personally, like school board members or county commissioners, than it is to know a state representative; it is hard for *all* of us to be our representative's neighbor. That may be a major factor in our growing distrust of politicians — we simply don't know these people as real people.

With increased population, and growth in the size of government, much political power has now been transferred from the local level to the state legislature. The past 50 years have also seen a shift in political power from Lansing to the federal government. Some people now believe that "important" legislation has to be enacted in Lansing or Washington and that local government exists simply to *implement* state or national policies.

Consequently, we seldom think to tell our elected officials about the problems they might help us solve or where we believe government decisions are wrong. Whether on the national or state level, we start to think in adversary terms; the political decisions being made "up there" will only benefit someone else, not us "down here" on the local level. Then we conclude that our real problems are not being addressed by our elected representatives.

This vicious circle is often aggravated by some state-level policy decisions that are applied equally to all parts of the state without considering the fact that natural and human resources and conditions vary greatly within Michigan. For example, the Wetlands Protection Act was originally intended to protect all wetlands equally throughout the state. In reality, it was necessary to protect them only where they were most immediately endangered, like around Detroit. Strictly protecting wetlands in the Upper Peninsula would severely limit responsible development, since so much of the U.P. could be classified as wetlands.

Rural citizens became involved and forced wetland protection advocates to accept a last-minute amendment delaying by several years the implementation of the law in rural counties (which amounted to 80 percent of the state). This amendment takes into account the particular needs of both rural and metropolitan areas. In this case, local needs and conditions were considered, but only after rural citizens became involved. More often, however, even the best-intended state policies nullify or ignore good practices that are well known on the local level. Hence, all solutions devised at the state level would benefit from local citizen input.

### PARALYZING MYTHS

We believe democracy is not a spectator sport; active participation distinguishes the *citizen* from the *resident*, since most of the real influence on policy formation comes after the election. State Representative David Hollister (D-Lansing) claims that, unfortunately, most people harbor two paralyzing political myths that keep them from becoming effective citizens.[6]

The first myth is that you need large numbers to be effective in changing public policy. "Not so!" Hollister says. A core group of a *half dozen* volunteers can influence a city government the size of Lansing (about 132,000); if the half dozen can effectively coordinate a larger group of about 500, they could dramatically influence state policy as well. From a small, well-organized core, you can build coalitions to draw in the larger numbers when you need them.

The second myth is that you need special training to organize an effective group. Again, Hollister says, "false." Some of the most effective organizers are people working at the grassroots level. It is more important to know the issue and how local people are feeling about it than it is to have formal training in anything like political science.

Now that you are convinced that you can, and should, become politically involved — even without a lot of other people or training — let us consider how you can be most effective.

### GETTING YOUR BILL PASSED

Knowing what to do, and in what order to do it, is essential for effective citizen involvement. To review this process, we present a hypothetical situation in which you amend a major piece of environmental legislation.

Suppose your land contains a large marsh that you have determined is perfect for a frog paddock and you decide to raise frogs for sale to local restaurants. You find there are no local prohibitions, such as zoning ordinances, that would prevent frog farming, but there is a state law and a host of bureaucratic regulations that effectively say you can't raise frogs commercially in your wetland. What can you do?

### CHECKING THE REGULATIONS

First, you might hire a lawyer to research the laws and regulations to determine if your constitutional property rights have been violated. This serves two purposes: 1) it determines the probability of success in the courts, which is your first step, and 2) if the courts offer no remedy, it effectively organizes your arguments to be used in addressing your representatives in the legislature.

Suppose your lawyer says that you cannot win in the courts, but the enabling legislation which established the regulations contains special exemptions for crop farmers, the mining industry, timber producers and recreational users. Why not propose an exemption for frog farmers?

### GETTING AN AMENDMENT

What you seek is an amendment to the Wetlands Protection Act (PA-203 of 1979). You should begin by marshalling your arguments to show that: 1) frog farming paddocks do not *irreversibly* damage the wetland, and 2) economic benefits would accrue to your family, the local community, and the state. In general, you must demonstrate that: 1) the proposed amendment (or new law) does not violate the intent of the law you seek to amend (or other laws on the books) and 2) there are benefits in the



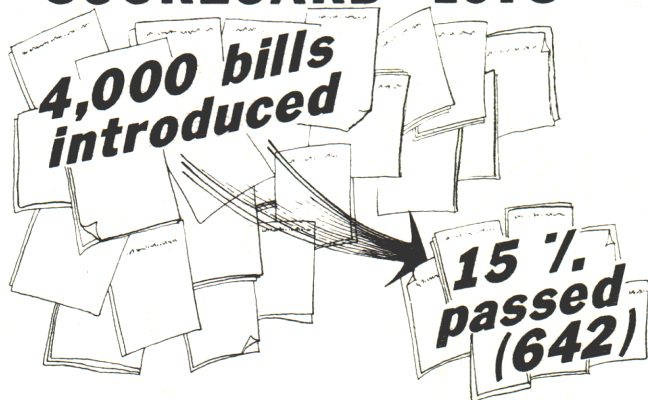
amendment (or new law). Now you are ready to discuss with your representative the need for an amendment and to get his or her endorsement of it, since only a legislator can introduce a formal bill.

Write a letter to your representative and tell him/her what you want (an amendment) and why (the benefits). One letter will not do the whole job, but it is a necessary beginning. Call your representative shortly after you are sure your letter has been received to discuss the amendment. Once your representative (or any other) has agreed to have a frog farming bill drafted, follow through to see that the Legislative Service Bureau (phone no. 517-373-0175) received a "bill request" form (since legislators do not actually write the bills themselves) and ask to be notified when your bill has been drafted. You should also ask your representative to approach the most probable committee members prior to the bill's introduction to request their co-sponsorship of the bill. Double check to see that your legislator then actually introduces the bill. Ask to have a copy sent to you once the bill is introduced and referred to a committee (in this case, it would probably be the House Committee on Conservation, Environment and Recreation). Remember the advice of a savvy old-timer: "You need three things to be effective in the Legislature — persistence, persistence, and more persistence."

### WORKING WITH THE COMMITTEE

It is important to get many legislators to sponsor the bill, especially those on the committee to which the bill will be assigned, because few bills ever get beyond the initial stage of being written, introduced, and referred to a committee. In fact, the legislative committee structure is central to the weeding-out process. Committees are often seen by legislators as the place to kill bills and it is here that three-fourths of all bills introduced are buried.\* (See "The Committee" box for more facts and figures.)

## LEGISLATIVE SCORECARD - 1978



\*For example, in Michigan's 80th legislature (1977-78), more than 4,000 bills and resolutions were introduced into the legislative machinery, yet only 800 of these saw legislative floor action and only 642 were passed into law.

Once in committee, your frog amendment's scheduling is crucial. In all probability, your bill will just sit in committee without being acted upon. You can help stimulate action by writing and phoning the chairman, your legislator, and the other members of the committee. Even if your amendment is on the committee agenda, it does not mean it will actually be discussed that day since committee schedules often change on short notice. To avoid unnecessary trips to the capitol, keep in close touch with the committee chairman and the committee clerk.

When the committee does start to consider frog farming, good timing becomes essential. If letters arrive too late, they are worthless; if too soon, the legislators will have forgotten them by the time they vote. If you plan to testify before the committee, you or your lawyer should be sure to inform the chairman to reserve time for your presentation. (For hints on how to influence legislative action through testimony and letters, see the "Proper Tools" box on p. 11.)

While few bills get through the committee without being changed in some way, such revisions may be the

### THE COMMITTEE

Legislative committees review bills, draft amendments, hear testimony in support of or opposition to proposed legislation, and either table or refer the bills out of committee to the full House or Senate for further consideration. Since the substance of a bill usually gets its most thorough review in committee, the committee is a key public access point in the formal decision-making process.

Committees are not obligated, however, to take up for consideration all bills referred to them; the chairperson has sole discretion over which bills will be considered and when. As a result, many bills are never discussed and few are passed out of committee. For example during the 1979 session, the House Conservation, Environment and Recreation Committee, chaired by Representative Anderson, had 44 bills referred to it. Fewer than half of these were brought up for discussion; only 12 (or 27% of those referred) were reported out of committee for further legislative consideration (leaving 32 still in committee). In the end, only three bills (or 7%) referred to the committee eventually became law.

In the same session, the Senate Committee on Environment and Agricultural Affairs was delegated 54 bills; it reported out 15 (or 28%), and 7 of these (13% of the referrals) became law.

In appropriation committees, bill success rates are higher—often as many as 60% of the referred appropriation bills became law. However, so many individual items are changed in appropriation committees and on the floor of both chambers that it is hard to compare the success of the original appropriation bill with the final form, and to bills in other committees.

In general, then, committees act like filters, screening out most proposals referred to them. Legislators respect this important function and often maneuver to become members of choice committees.



compromises necessary to get the bill voted out favorably. Let us assume your bill has not been altered beyond recognition and that it has been voted out of committee with the recommendation to pass.

### LOBBYING IN THE HOUSE AND SENATE

The bill now goes to the full House to be debated, amended further and voted upon. This is another good time to go to the capitol with your friends and supporters to lobby the legislators into voting favorably. Make appointments with as many legislators as possible, particularly those who may vote against the bill (ask your representative for the lineup). Not only do you want to convince those opposed to vote for it, but you also want to ask those favorably inclined to defend it in debate. Your representative is a key actor in this endeavor, since most legislators rely on their fellow lawmakers and their favorite (i.e. most credible) lobbyists for information and opinions about pending legislation.

If the bill has been passed in the House of Representatives, the process and access points described are essentially the same in the Senate. If the bill originated in the Senate, the procedure is simply reversed. Both houses must approve the bill before it goes to the governor for his signature. Frequently, however, the two chambers will pass slightly different versions of the bill, and the final wording must be ironed out in a conference commit-

tee before both houses can formally approve it. This procedure sounds simple in principle, but be prepared for a long fight — the law you seek to amend took 12 years to enact (see box p. 5).

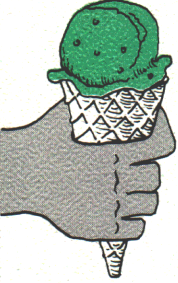

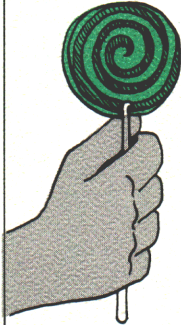

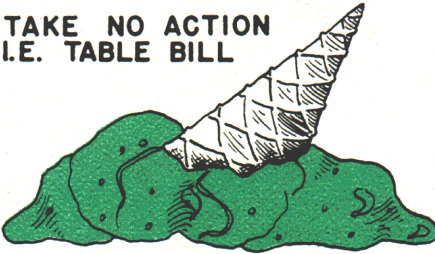
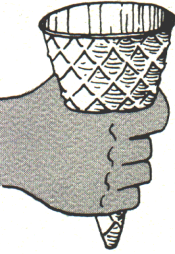
## THE WETLANDS PROTECTION ACT

### HISTORY OF THE BILL

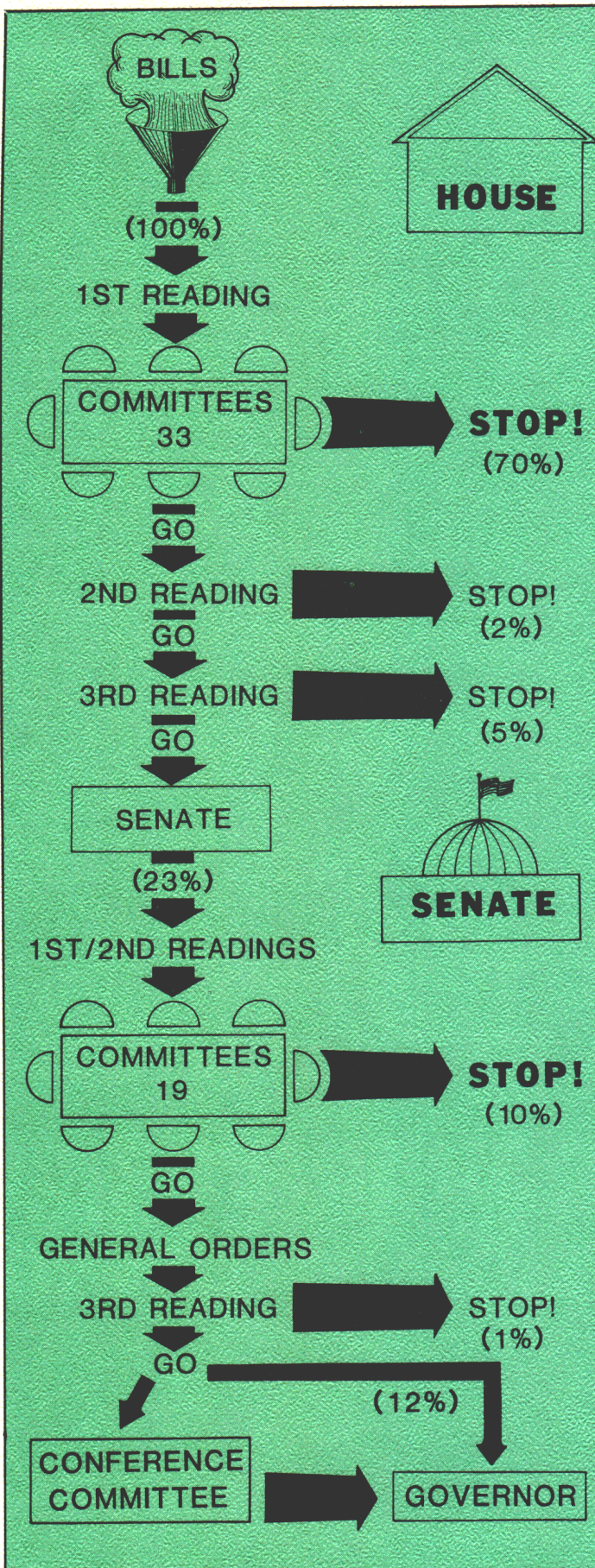
A look at Michigan's Wetlands Protection Act (PA-203 of 1979) illustrates the very long path some bills go through in the course of passage. The intent of the Act is to protect wetlands because they perform invaluable functions: they reduce flooding; trap sediments; provide shelter for fish and wildlife; and constitute prime recreation sites. To maintain these special lands, the various bills that were introduced all tended, more or less, to restrict dredging, draining, or filling those areas defined as wetlands. That is the reason for the 12-year fight — the more and less of the definition and the restrictions. In the end, "wetlands" were defined as:

land characterized by the presence of water [i.e. is wet] at a frequency and duration sufficient to support . . . vegetation or aquatic life [i.e., has wet plants] and is commonly referred to as a bog, swamp, or marsh [i.e., people call it wet] . . ." (PA-203 of 1979).

# Legislative Committee Action

|  |   |  |  |
|--|---|--|--|
| <p><b>1</b> REPORT FAVORABLY AS IS</p>          | <p><b>2</b> REPORT FAVORABLY PLUS AMMENDMENTS</p>  | <p><b>3</b> REPORT SUBSTITUTE BILL FAVORABLY</p>  | <p><b>4</b> REPORT UNFAVORABLY</p>  |
| <p><b>5</b> SEND BILL TO ANOTHER COMMITTEE</p>  | <p><b>6</b> TAKE NO ACTION I.E. TABLE BILL</p>    | <p><b>7</b> NOT CONSIDER BILL</p>               |  |





## THE FORMAL PROCESS

The formal process for a bill to become law begins with a legislator submitting a layman's draft of the action desired and a "bill request" form to the Michigan Legislative Service Bureau. The Legislative Service Bureau converts the draft to standardized legal bill language and makes a preliminary check of its constitutionality. Then a legislator, and only a legislator, can "introduce" the bill simply by handing a copy of it to the clerk of his/her chamber (House or Senate) during a regular session. This is called the "First Reading." The clerk assigns the bill a "bill number" (Senate Bills begin at S.B. 1 while House Bills begin at H.B. 4001) and the chamber's leadership assigns the bill to a committee.

Legislative committees are the appropriate place for review and discussion of the bill, but there is no requirement that a committee must take action. In fact, taking no action at all is the most probable action the committee will take. There are, however, seven different action options a committee may take (see diagram p. 4). Consequently, committees form the major hurdle to successful bill passage.

If the bill is reported out of committee, the chamber's leadership schedules the bill for its "Second Reading" (or "General Orders" in the Senate) when the full chamber may discuss and debate the bill. Amendments are frequently added at this time but attention is usually focused on the amendments developed in committee. Passing the Second Reading requires a "yes" vote by a majority of those legislators present and voting. The bill is then scheduled for its "Third Reading." A bill is usually voted up or down as it stands at this final hearing although some further amendments may be offered occasionally. To pass Third Reading, however, requires a yes vote from a majority of those legislators who are eligible and serving.

If passed, the bill crosses over to the other chamber and the process is repeated. If both chambers pass the bill as it stands, it goes directly to the governor. Usually, amendments are added or the wording is changed from one chamber to the other and then the changes must be approved. This sometimes requires a special conference committee made up of both senators and representatives to work out acceptable compromises. If the conference committee's version is approved by both chambers, the bill then goes to the governor. The governor may sign the bill into law, take no action at all — which means the bill automatically becomes a law — or veto the bill. The legislature may, with great difficulty, override the governor's veto.



In the early stages, the bills to protect Michigan's wetlands were generally tied to other state or federal regulations. By 1973, a separate bill had emerged; House Bill 6154 was introduced by Representatives Warren H. Goemaere (D-Roseville) and Thomas Anderson (D-Southgate). In retrospect, Representative Anderson described this early version as "simplistic" and not deserving of passage; he could not even recall who actually brought the first draft to him. Anderson saw it as a natural outgrowth of environmental and especially water quality protection acts passed in the late 1960s and early 1970s at both the state and federal levels. He described it as a "gap-filler"; the only existing protection for wetlands was the federal Clean Water Act, Section 404, which simply directed the Army Corps of Engineers to restrict filling operations in wetlands. This legislation had proved inadequate, in part due to less than stringent application, and many felt that Michigan needed its own wetlands act.

Despite Representatives Goemaere's and Anderson's powerful influence as co-chairmen of the Michigan House Conservation Committee, the first wetlands bill died in their committee at the close of the 1973-74 session. Besides underscoring the vagueness of the original bill, opponents charged that it would seriously erode private property rights and unduly restrict development of what critics dismissed as "just swamps."

In 1975, Anderson introduced a revised wetlands bill (HB-4618) which was approved by his conservation committee and subsequently passed by the full House (which points out the power of committee approval). It then went to the Senate and was referred to the Senate Environmental and Agricultural Affairs Committee, but was never called up for discussion because that committee's chairman staunchly opposed it (as he opposed most environmental bills). Thus the wetlands bill died again in committee at the close of the 1975-76 legislative session.

Undaunted, Representative Anderson reintroduced a wetlands protection bill again in 1977 (HB-4329). It was then rewritten six times by his conservation committee before finally being sent to the full House as "Substitute Six" of HB-4329. It passed on Second Reading in the House, where all the committee's amendments and revisions were approved, but it never came to the Third, and final, Reading.

Although he was sure it would pass in the House, Anderson felt there was no point in sending it to the Senate because it was certain to go to the same Senate committee which the opposing senator still chaired. Therefore, the wetlands bill remained on the House calendar for "Third Reading" until the conclusion of the 1977-78 Legislature, when it died once again.

With the start of the 1979-80 legislative session, Representative Anderson reintroduced the bill (now HB-4049) and this time, a similar bill was also introduced in the Senate (SB-3). More importantly, however, the chairmanship of the Senate Environmental and Agricultural Affairs Committee had changed hands as a result of a shake-up in the Senate leadership. Hence, both the Senate and House bills were seriously discussed in their respective committees during the first months of the session.

Representative Anderson feared that, despite the more favorable Senate committee leadership, the ultimate

passage of a wetlands bill could be threatened by debating separate bills originating in both houses. If two bills "crossed-over," all parties would have to go through two similar debates and many minor differences could become formalized in writing. Therefore, he postponed further committee consideration of HB-4049 and let SB-3 progress under the guidance of its young and eager Senate sponsor.

SB-3 was amended more than 100 times in the Senate; it was returned to Third (and final) Reading on the Senate floor three times. Finally, in May 1979, it passed the Senate and was sent to the House. The clerk read the title (the First Reading), and the House leadership quickly assigned it to Representative Anderson's Committee on Conservation, Environment and Recreation. Although some new faces were involved in this committee, even the "old hands" began to take a new, more thorough look at the wetlands protection bill now that it had a real chance of becoming law. More than 50 amendments were considered and many were adopted in committee.

Citizens were actively involved in shaping the wetlands bill within committee. One dogged group was the East Michigan Environmental Action Council (EMEAC), characterized by its low budget but high visibility. An EMEAC staff member came into Lansing about once a week for nearly six months while the "final" committee negotiations were proceeding. In the process, a number of legislators came to rely upon EMEAC's information and judgment. As a result, this citizen's group strongly influenced the language of many amendments.

In October 1979, the bill was finally reported out of committee "do pass" but Anderson, unable to eliminate a devastating amendment in a last-minute committee session, recalled the bill into his committee the next day. The latest amendment was amended and the bill was again released to the full House for its formal Second Reading. At this stage, most of the committee amendments were approved and others were offered. By this time, the House had considered more than 75 amendments of its own.

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***"The essence of the legislative process is making choices between conflicting objectives."***

...Maass

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It passed Second Reading in November and was placed on the calendar for Third Reading, where it would need the affirmative vote of "a majority of those eligible and serving" in the House to pass. Amendments are usually not considered at Third Reading, since that is the purpose of Second Reading; and the whole bill, as amended, is usually voted "up" or "down."

Not so with the wetlands bill. Several more amendments were accepted on Third Reading. There was even an attempt by opponents to have the bill sent back to a different committee to start the process from the very beginning, but this tactic failed.



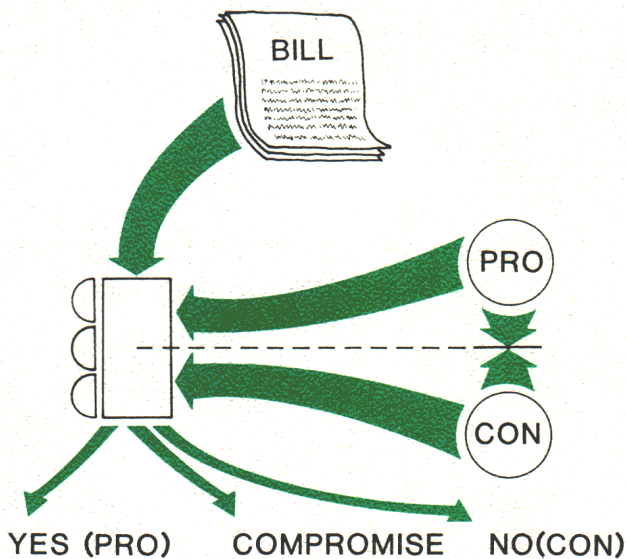
In December, the House passed the wetlands bill. Because the House and Senate versions of SB-3 differed "as amended," it went to a conference committee composed of key legislators from both chambers to negotiate acceptable compromises. By late December, both chambers gave final approval to the wetlands protection bill and it was sent to the governor, who signed it on the last possible day before it would automatically become law. On January 3, 1980, SB-3 became Public Act 203 of 1979. The governor did praise the bill in press releases, saying it was:

a forward-looking and workable wetlands control bill. While it is not the perfect solution, it represents a major step forward in protecting Michigan's resources and native beauty. It also will allow the state to take over from the (federal) Environmental Protection Agency and the Corps of Engineers a number of wetlands use permit programs — giving us greater control over our own destiny.[7]

### RESTRICTIONS ON WETLANDS PRESERVATION

Some opposing legislators still claim that they in truth won the wetlands fight by "gutting" the legislation with the provision that it immediately apply only to counties of 100,000 or more population (temporarily exempting 66 of Michigan's 83 counties)\* and specifying that it will not affect the rest of the state until a statewide inventory of wetlands is completed.

### ADVOCACY LEGISLATION



\*The 17 counties immediately affected by the Wetlands Protection Act do contain 80 percent of Michigan's population, but less than 20 percent of the state's land area.

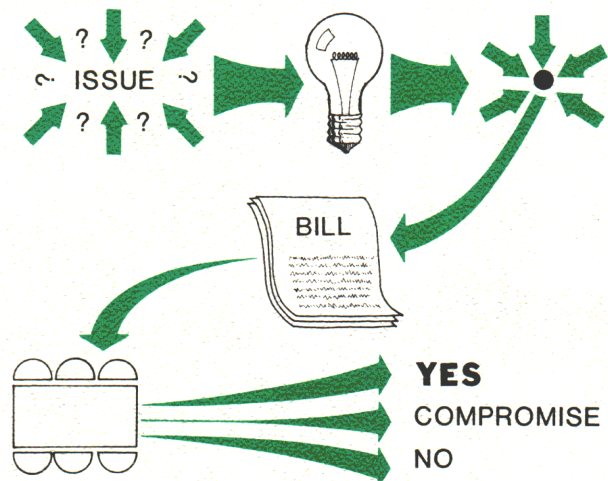
### ADVOCACY AND CONSENSUS APPROACHES

The Wetlands Protection Act is an excellent example of a long, hard fight. Its history should bring some reality to citizens hoping to quickly influence legislation. The length of the wetlands fight, however, was due mostly to the way it was developed in its very early stages. A good idea was specified in bill form, introduced and legislators quickly lined up on opposing sides to debate its many details. Eventually, after twelve years, a passable compromise was reached. We call this the "advocacy approach." It always takes time, since it is far easier to kill an idea than it is to hammer out an acceptable compromise in a hostile setting.

Some bills, in contrast, are real "quickies." Such a bill may be introduced, referred to committee (where it is hardly touched before being reported out favorably), and passed in floor debate with many legislators standing up simply to praise the bill. Then it whisks through the other chamber with the same speed and lack of amendments. This kind of bill is a recent development in the governmental process and is a product of everybody and anybody concerned with the idea joining a "task force" to study the question before the bill is drafted. Sometimes legislators, university professors, and lobbyists for industries, the environment, and consumers get together to hammer out the intent of a bill and then develop its exact wording. Next, they all agree not to fight the bill they helped prepare while it travels through the legislative mill. Consequently, it races through like lightning. We call this the "consensus approach" to legislative change.

The land inventory bill (SB-443 of the 1979-80 session) is an example of the consensus approach. It proposed to inventory existing and potential land use throughout the state. The wetlands bill, you will recall, defined wetlands and established measures for their protection; the land inventory bill would apply the definition by mapping the land-use patterns and establishing boundaries for each of the wetlands areas (as well as 300+ other land uses). Since, for most of the state, the

### CONSENSUS LEGISLATION





key provisions of the Wetlands Protection Act would go into effect only after the land inventory survey was completed, the two bills were linked together.

As an example of the advocacy approach, the Wetlands Protection Act took 12 years to pass; the land inventory bill, fashioned by consensus, took less than 18 months. Consensus legislation can move fast and, therefore, it deserves special attention. Obviously, it is important to establish an open consensus process or one can get quick bills worked out in those notorious smoke-filled back rooms by a small group of insiders. Speed and efficiency are not always in the public interest.

### THE LEGISLATIVE PERSONALITY

Personalities make the governing process what it is in actuality — people like the chairman of an environmental committee refusing to consider major environmental protection proposals; sponsors persisting doggedly for years on pet issues; young, ambitious legislators possibly expressing their greater political (or other) ambitions through “Johnny-come-lately” bill sponsorship. All these personality traits and many more make politics political. Therefore, to operate knowledgeably, personality differences must be recognized.

People come to politics from a wide variety of backgrounds (see the box “Facts About the Legislature” on p. 9). However, freshmen legislators often share an initial idealism; they want to serve and “make a difference.” As one political leader put it, his initial goal was to “win the

world for improvement.” Eventually it became “win one or two improvements,” and now his aim is to “try not to lose too many.”[8]

Despite the disillusionment of experienced politicians, the public’s image of the elected representative is of the Ideal Leader, Just Lawmaker, Tireless Worker, Wise Problem Solver, and even All-Knowing Parent. Trying to measure up to these expectations is one of the stresses of the job. Nonetheless, there are rewards that encourage many to seek re-election. First of all, legislators earn an adequate living; they are paid a competitive salary (currently Michigan legislators receive \$27,000 per year, plus up to \$5,200 in expenses) and are not limited in making additional income. Politicians also receive their share of recognition from the press and the general public. Third, most enjoy the tasks of talking to constituents, staff, lobbyists and other legislators and the power associated with being on the inside shaping public policy.

Some lawmakers are very involved in proposing legislation, while others play a more passive role. Political scientist James David Barber has made a study of legislative personality types. Barber used two criteria to distinguish freshmen legislators: 1) a willingness to return to the political arena and 2) the degree of political activity, such as introducing bills and fighting for their passage. He found four legislative personality types: the *Spectator*, the *Reluctant* representative, the *Advertiser*, and the *Lawmaker*. [9] These labels should give you some hint of the differences, but what would a letter in response to your frog farming proposal sound like from each of the personality types?

## LEGISLATORS ARE PEOPLE, TOO

(James Barber)

|                    | Active ?   | Return ?   |
|--------------------|------------|------------|
| <b>RELUCTANTS</b>  | <b>No</b>  | <b>No</b>  |
| <b>ADVERTISERS</b> | <b>Yes</b> | <b>No</b>  |
| <b>SPECTATORS</b>  | <b>No</b>  | <b>Yes</b> |
| <b>LAWMAKERS</b>   | <b>Yes</b> | <b>Yes</b> |



## FACTS ABOUT THE LEGISLATURE

The current Michigan Legislature tends to be a young lot, dominated by men with either business, education or law as their major pre-lawmaking experience. More than half of the senators are in their first or second term of office; in the House, ten representatives are under 30 years of age.

There are 38 Michigan senators: currently 24 are Democrats and 14 are Republicans; all are male. They range in age from 28 to 62; the average is 44.3 years old. Their term is four years long, and more senators are serving their first term than any other term. Half of the senators have served for 1.3 terms or less (5.2 years). Two senators, however, are presently in their tenth terms, which will mean 40 years of service when completed.

The Michigan House has 110 representatives each serving a two-year term. Again the Democrats hold a significant majority of seats (64 D to 46 R), and although there are 16 female representatives, that still leaves 94 males. The average age is 44 years old, but individuals range from 24 to 64 with 10 representatives who have not yet turned 30. Half of the representatives have served 3.1 terms (or 6.2 years); there are two, however, in their 14th terms which, when completed, will equal 28 years of service each.

Over one-third of our legislators come from either business or education (20% and 17% of the total respectively). Also law (about 11%), farming (8%), medicine and dentistry (8%) and religion (2%) contribute significantly to the legislative ranks. Many of our state lawmakers, however, have either been in office long enough (usually 4 or more terms), were elected just after graduating from college, or had no paying job previously so they identify themselves professionally as "politicians" (this being the major or most recent work experience they bring to their legislative jobs). This group of politicians makes up 34% of the incumbent legislators.

If the response suggests that the legislature is not moving toward relaxed frog farming regulations because there are worse problems to be solved first, you may be dealing with a *Spectator* type. The *Spectator* loves the drama and color of the legislature but his/her typical strategy is submission to others. This type will not take up your cause unless the legislature is already heading in that direction.

If you receive a response full of moral indignation, but no practical support, you may be dealing with a *Reluctant* representative. This legislator is usually a hometown reliable with lots of friends who is bewildered by the exotic people and rapid pace of the legislature. His or her election may have been a form of recognition for past contributions to the community. Paradoxically, despite feeling ill-at-ease in the State House and exhibiting a low level of political activity, many *Reluctants* are pushed back into office and can eventually rise to power-

ful positions. If you can appeal to his/her strong moral sense of social responsibility, this legislator might prove to be a useful ally in government.

The *Advertiser's* response would show interest, but he/she would want to know whether any powerful people in your community support the proposed frog farming operation. The *Advertiser* is primarily interested in making contacts and enhancing his/her non-legislative career reputation.

Finally, if you get an open-minded, businesslike letter asking specific questions, you may be working with the fourth and most effective type. The *Lawmaker* feels most rewarded by the opportunity to introduce significant legislation desired by his/her constituents. *Lawmakers* have a strong sense of individuality and stress rationality. If you can make a strong case for your proposal, this legislator will go all the way for you.

Being aware of the various types of personalities involved in the legislative process can be a significant asset. If you can identify the type you are working with, you can tailor your demands to his/her values or approach. You may also realize that a different type of legislator would probably be more useful. Do not give up because your own representative may be ineffective—any legislator can be your representative. Find one who will accomplish the job you want to get done.

## STRENGTH IN NUMBERS

Since legislators are always concerned about their image and support among voters, they are more likely to work hard to accommodate a group of people than to please a single individual. Consequently, as a concerned citizen, one of your first tasks should be to mobilize a group.

While organizing a group of people to influence legislation sounds difficult, it is far simpler than you might think and, in the long run, far less demanding than trying to do all the tasks alone. Remember, we are not talking about organizing hundreds or thousands of people. As Representative Hollister contends, and we agree, a committed core of a half dozen or less is the key. In fact, you may not have to organize a new group at all: you may be able to persuade members of one of the organizations you already belong to. Your church group, trade union, business association or fraternal organization is probably composed of members who share certain values; it is likely, too, that they will share your legislative concerns.

If the particular public policy issue you want to influence would be of interest to other community groups as well, you can approach their leadership and arrange an informational meeting. Once you are intimately familiar with the bill, you may be able to show how passage of the law will affect the group's self-interest and, of course, it is self-interest that motivates people to get involved.

In some cases, you may find that there are no existing groups who are prepared to work on the issue. Many may express support for your position, but they may be over-extended on other matters and have no time to devote to another issue. They may be useful in future coalitions when their brief input is needed. Meanwhile, you will need to organize that small core group that Representa-



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**"Go out and organize . . .  
Make me do it ."**

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John F. Kennedy  
To Civil Rights  
Workers in 1961

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tive Hollister mentioned. As few as two or three people (or Hollister's "half dozen") may be able to perform many critical tasks. Too large a group can present communication and organizational problems. Don't be discouraged by small turnouts for organizational meetings—the core is what is important and they can keep the other, less devoted supporters informed by sending out a newsletter or minutes of meetings. The key to success is not the size of the group, but rather how many people it can mobilize to write a letter or attend a committee hearing at the crucial moment. Professional expertise is less important than personal experience.

There are two principles that are essential to effective action:

1) *Clearly define the goal.* An explicit goal is vital for people to form a group or for groups to join a coalition. The goal may be either the passage or the prevention of a local ordinance or a state law. Whatever the goal, it needs to be clearly stated and understood by all.

2) *Establish a strategy.* Once the goal has been identified, the means to accomplish it should be clarified. Try to list three or four steps that your group can accomplish that lead toward the goal.

### **A FINAL WORD**

Making your views known is essential to our form of government. Beyond voting and keeping abreast of issues you, as a citizen, can play a useful role in shaping policy in the legislative process. This does not require extensive educational or professional training; ordinary people play key roles in many areas of government decision making. In the courts, for example, guilt or innocence is determined by a jury made up of 12 ordinary people—not selected "technical experts" or highly trained jurists or even elected officials. Politics is too important to be left to the experts.

As this bulletin has indicated, there are many ways in which you and groups of like-minded ordinary people can affect the legislative process: you can suggest ideas for legislation to your representative; you can propose that he/she introduce amendments; you can testify before committees; you can lobby legislators by letter, telephone, or in person; you can communicate the concerns of your group or community to the legislature and inform those interested on the progress of legislation; and finally you can provide information on the probable impact of pending bills. To emphasize your effectiveness, keep in mind the steps we have outlined in this bulletin:

1) Know your issue thoroughly; anticipate what the opposition will be and formulate persuasive arguments to

win their agreement. Be prepared with the technical information that the committee will find useful.

2) Identify a "core group" of committed and effective workers who will lead a coalition of interested groups and individuals who can be called upon to write letters, lobby, or publicize an issue.

3) Locate a lawmaker who is sympathetic to your issue and likely to be effective in advancing the cause (Barber's legislative personalities can be useful here) and continue to work with him/her for the duration of the process.

4) Be familiar with the formal legislative structure and the procedural steps a bill must take as it becomes a law.

5) Spend as much time as possible at the capitol, both to be able to answer legislators' questions and to be in a position to intervene effectively at the critical moment, offering advice or information before decisions have been made.

As the history of the Wetlands Protection Act suggests, the successful emergence of a law from the legislative mill is sometimes a very lengthy process. Many bills never become law — most die in committee. Nonetheless, you should not be discouraged. Some bills do move through quickly and some bills even emerge from the adversary process stronger and more acceptable to both sides than when first drafted. Yet, everyone involved in the legislative process may at times feel despair with the pace of progress. As the philosopher, Alfred North Whitehead, once said: "The art of progress is to preserve order amid change and to preserve change amid order." We encourage you to pursue those changes you believe will bring progress and to pursue them with vigor and within the order that our government provides.

### **TIPS FOR LOBBYING**

- 1 KNOW YOUR ISSUE
- 2 ORGANIZE A "HALF DOZEN"
- 3 KNOW THE FORMAL PROCESS
- 4 FIND A COMPATIBLE "LAW MAKER"
- 5 "HANG OUT"
  - (a) SENSE OF TIMING FOR BILLS, BUDGETS AND BUREAUCRACIES
  - (b) VISIBILITY AND AVAILABILITY ON YOUR ISSUE



## PROPER TOOLS

The most difficult thing about influencing public policy is transforming convictions into actions. Most people just grumble, but the system is designed to respond to citizen input, and the actual mechanics are really quite simple. It will probably be with your first letter, or the first time you testify before a legislative committee, that the "how to" advice will be important.

The involvement of ordinary people makes the difference between our democracy and other forms of government. During one of the controversial committee hearings on saving wetlands, for example, a legislator read aloud a letter he had received from a constituent. The letter was written in pencil and was full of spelling and grammatical mistakes. However, the homeowner related his real-life experience. That letter truly seemed to influence several committee members and it probably had a lot to do with protecting rural landowners from unnecessary red tape. What you say—not how you say it—counts. Sincerity, dedication, and persistence are the keys to success.

We can simply offer some useful tips about how and when to testify, write, and call. These suggestions come from our experiences, as well as those of others involved with government, like the League of Women Voters and the Chamber of Commerce. We hope the suggestions will increase your effectiveness.

### TESTIMONY

Most people, even those interested in shaping legislation, will never need to testify at a hearing. Usually an organization has a spokesperson or a lawyer to do the talking for it. But if you have special knowledge or feel strongly about an issue and want to make your views known, these guidelines may be useful:

1) The very first step, if you are part of a group, is to meet with the members beforehand and discuss your planned testimony. You should agree on the major points to be emphasized and avoid repetition or duplication.

2) If you plan to testify, contact the chairman of the committee or public hearing in advance to tell him or her that you wish to testify. This insures that you will be allotted time to speak.

3) Regardless of your position on an issue, know both the pros and cons. Knowing the opposition's best arguments will help you in designing your own statement and reduce the "surprises" at the hearing.

4) Prepare a written statement. Be sure to double-check your facts and figures, proofread the typed copy, and have enough copies for all the members of the committee and the press.

5) When called to speak, keep your testimony short and to the point. Highlight the major issues in your written statement. Five minutes is usually enough.

6) Begin your testimony by addressing the chairman, then the members of the committee, and tell them your

name, the city you're from, who you represent (if you are speaking for a group), and whether you support or oppose the bill or action. This is important introductory material, and it is the traditional introduction. It serves a practical purpose too by letting you begin your talk with something very familiar to you.

7) Finally, if you are questioned by the committee, give straight answers. If you do not know, say so. If you think you can find out, say so, and be sure to write or call later with the information.

In addition to these essential steps, you might also want to tell the committee what you feel are the implications of the bill or proposal. There is nothing more powerful than *firsthand* experience and you do not need to be an expert to make an educated guess at possible impacts on you or your group.

In addition to hearing the content of your testimony, the committee will also be responding to the tone of your presentation. By all means, be polite even if some committee members are hostile to you. A low-key style usually generates respect. Don't stretch the facts; it is better to be caught understating your case than overdoing it.

Even for an experienced testifier, the microphones, hostile questions, or a press interview can produce a bit of anxiety. Realize this and speak your mind honestly and concisely.

### PROPOSING AN AMENDMENT

Sometimes the bill or proposal could be more acceptable if small changes were made. For example, changing the word "shall" to "may" has altered the impact of many laws. In suggesting amendments to a legislative bill, refer to the page and line number (the lines are numbered for this purpose). State: "on page 3; line 23; after — (some word), strike — (the offending words), and insert — (your amendment)."

Let's use the frog farming amendment as an example. Senate Substitute Bill No. 3, Section 2 permits several activities to be exempted under the Wetlands Protection Act, among them fishing, hunting, hiking and animal grazing. The following is an excerpt from page 5 of the bill:

Line

#5 (f) Maintenance or improvement of serviceable structures in

#6 existence on the effective date of this act or constructed

#7 pursuant to this act.

#8 (g) Construction or maintenance of farm or stock ponds.

#9 (h) Maintenance, operation, or improvement which includes . . .

To include frog farming you would amend page 5, line 8, after "ponds," by striking the period and inserting "and frog paddocks." The text of your proposed amendment can be presented in your oral testimony and should be included in your written statement.



## LETTERS

In terms of difficulty, writing a letter is second only to testifying. For people accustomed to telephones, a letter seems permanent; it may be difficult to find the precise words to express their thoughts. Here are some proven tips suggested by The Michigan Chamber of Commerce:

1) Be clear, be brief, be specific, and always be courteous.

2) Write legibly; preferably type it.

3) Immediately identify the issue by referring to the bill by name (or popular title) and number. If you need help or want the legislator (or his office) to do something, say so in the first paragraph. You should always make a specific request, forcing a personal response.

4) Be timely; inform your legislators about current concerns or issues while there is still time for them to act.

5) Explain who you are and how the bill or issue will affect you, your organization, company, or community. Use your own words; like all of us, legislators get bored with form letters.

6) Give reasons for your stand on an issue and back it up with facts and figures. You can invite the legislator to contact or visit you for more details.

Remember that legislators have to deal with dozens of issues and may not understand the real significance of a particular bill as well as you do. Try to be objective and constructive; a helpful informative letter will give them a better understanding of the issue. Be appreciative when a legislator does something positive and deserves a pat on the back. A follow-up thank you note does wonders.

Properly addressing your letters insures that they will arrive on time:

Senator John Q. Public  
Michigan State Senate  
State Capitol  
Lansing, MI 48909

Dear Senator Public:

Representative John Q. Public  
Michigan House of Representatives  
State Capitol  
Lansing, MI 48909

Dear Representative Public:

## PHONE CALLS

Few people ever think to phone their representatives, although it is one of the easiest things to do. Phone calls cannot replace letters or telegrams but, for arranging appointments, getting information, or for two-way communication, the telephone is ideal.

Remember, it is not always necessary to speak to your senator or representative in person. Usually his/her staff is perfectly capable of answering your questions and will convey your views or message to their boss. In fact, you may even find it far more productive to speak with the legislator's aide (who may be more informed or more candid about your issue) than with the legislator.

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