

How TO LIVE WITH LEGISLATION

By N. CURTIS PETERSON, JR.

In these days of increasing attention to pesticides, personnel concerned with protecting turf and trees, and with eliminating weeds and brush, find it necessary to live with an ever-growing number of laws, some good, some bad. This article tells how to achieve more balanced legislation, how to lobby effectively, how to prevent passage of some laws and how to introduce favorable ones, and how to use existing trade groups for legal benefit. Peterson's views are particularly timely now that spraymen are considering a national organization to help them achieve uniform and fair industry laws.

AGRIBUSINESS is Florida's largest industry—exceeding the two-billion-dollar tourist trade by more than a billion dollars annually. Horticultural specialties make up a large segment of the agri-business; over \$330 million of Florida's yearly income is from this source. And Florida is not alone; all over the country, horticulture's hand can be felt on the economy. Its voice should be heard in favor of fair and equitable treatment when the general good of the vegetation maintenance and control industry is at stake.

The experiences in legislation we horticulturists have had spotlight several important points which should be considered by anyone faced with a legislative problem. Our work has been primarily with state government, but the basic principles apply at any legislative level.

Sometime ago, for example, our organization, the Florida Nurserymen and Growers Association, promoted a bill which we hoped would be added to the Florida statutes. Our efforts brought us in close contact with legislators and their ways. At no time did we pressure, demand, or coerce the lawmakers. All we asked was for them to examine the circumstances to see if our proposal was good for all concerned and especially good for the public interest. This is very important, for if you ask for special consideration at the expense of others, you become a "special interest" group. But, if you tie your needs to those of an expanding economy and rapid growth of the state, and if you can show that your plans will benefit the general public, then *your* needs can be justified.

When Is Legislation Needed?

Agri-businessmen are not only citizens deserving consideration; they are also members of an industry that provides much that is beneficial to the general public. With these facts in mind, the man who seeks to propose legislation has some criteria on which to base his demands. Certain other essentials also support proposed legislation.

1. Legislation is needed when you are subject to oppression or discrimination that is contrary to what is best for the industry or the public interest. Examples of such oppression are ordinances of municipalities which restrict the use of certain toxic pesticides to the point where the applicator cannot guarantee consumers reasonable success from his services. Legislation is then required to repeal these ordinances.

2. Legislation is needed when relief from an obvious injustice cannot be obtained either through regulation, mutual understanding, or from the courts.

3. Legislation is needed when it is desirable for an industry, a public agency, and the general public to sit together in an advisory or technical capacity to see that interests of the industry, the state, and the public are represented and protected by decisions affecting any of the three.

Keys to Promoting Your Bill

After you are sure a need for legislation exists, certain ideas should be remembered when you draft necessary proposals. Be specific and accurate. Name the type of infringement or suppression of rights which concerns you. For example, if your problem pertains to particular chemicals, name them specifically.

Another point to keep in mind is that any statute is always subject to interpretation by the court should a citizen or public official take exception to it. Make sure at the outset that any proposed legislation is on firm legal and constitutional grounds, and clearly expressed.

Legislation is a big field; there are some things that can be accomplished and others which are out of reach. If you cannot get everything you want in a package deal, strive for as much as possible. Be *happy* with this but not *satisfied*, and try harder next time. On the other hand sometimes "half a loaf" is *not* better than none at all. If you cannot get enough to do a rea-

sonable job, it is better to back up and start again.

The mechanics of getting a bill through the legislature can be handled in many ways. Meet the lawmakers. Do this early, before the pressures of approaching legislative sessions begin to take time away from both you and the legislators. You will be less of a nuisance lobby to the lawmakers if you avoid a last-minute appeal.

Personal contact with the legislators is an excellent way to gain support. Reasonable discussion without undue pressure will do much more good than floods of form letters and telegrams. Individual, personal letters are good, but stay away from anything that looks like group pressure or coercion.

Some legislators will show a real interest and cooperative attitude. These key interested men are good prospects to sponsor your bill, and to act as floor leaders for it. If you can gain two or three positive voices on the floor, and especially in the committees considering your legislation, half the battle is won.

After a bill is introduced and assigned to a committee, keep in contact with the clerk of that committee. Ask him to notify you when the bill comes up for consideration. Be ready to appear at the hearings prepared to testify *with full facts and data* on any portion of the legislation. All of this may appear to be useless trouble and bother, but it is how our lawmakers work and this is the only way to do business with them.

Stop Bad Legislation, Too

While it is important to pass *good* legislation, equal thought must be given to the defeat of bad legislation. In the flood of bills introduced every year, sometimes a potentially harmful proposal may slip through. The only solution is to catch such bills *before* they become law. Legislatures publish a daily journal of events. Get a copy from a member of the lawmaking body and study it carefully. This is the best way to be alert to bad deals in the making.

Author Peterson is a former president and vice president of the Florida Nurserymen and Growers Association; he has also been in charge of that group's Legal and Legislative Committee. A landscape designer and contractor, he heads Peterson's Nurseries in Lakeland, Florida. Although his activity has been confined primarily to the Sunshine State, remarks in this article have value for industry-men from Maine to California.
