

2014 National Animal Law Competitions Legislative Drafting & Lobbying Competition

You work as a lobbyist for a state animal protection organization that operates several animal shelters, an advocacy department, and other community programs, such as low-cost spay/neuter services. Your organization, Protection of Animal Society (“PAS”), was formed in 1978 and is well-respected at the local, state, and national level. PAS receives no federal, state or local government support; it relies exclusively on donations, bequests, foundation support, special events, and fees for services. Some of your staff members are on the board of directors of other local non-profits, including the local DART (Disaster Animal Rescue Team).

The mission of DART is to provide timely and effective emergency response for animals during catastrophes including, but not limited to, bio-terrorism, agri-terrorism, emerging infectious diseases, and man-made or natural events. DART manages animals in disasters or other emergencies when local resources become overwhelmed or need added support. DART also provides prevention and public education services to reduce or minimize the need for disaster response altogether. Additionally, DART actively promotes aiding and supporting owner-assisted care for animals during a disaster. By aiding animals during a disaster, DART reduces the mental and physical impact the incident has on the animals and humans, reduces the risk to public safety, and reduces the strain on local emergency personnel and resources for families with pets who have no emergency plan for their pets.

Your organization became more involved with the local DART after a tornado and several hurricanes devastated certain regions in your state within the past few years. While the response was better than it would have been pre-Hurricane Katrina, certain municipalities were unprepared to handle the animals that were abandoned, lost or otherwise in need of care and the families with pets who did not evacuate. This also had an impact on your organization, as PAS was part of a response team that cared for these animals. Despite the Federal PETS Act and DART’s programmatic efforts, areas of your state are still unprepared.

The president of DART’s board of directors has asked PAS to help draft and lobby legislation to ensure animals, and people who live with animals, are part of local disaster planning. Because DART is an all-volunteer organization it cannot devote the significant time needed to pass a bill, though they will be supportive by testifying and writing letters to the editors of local papers. DART has concluded that without a legislative fix, DART’s programs and activities will always be hamstrung in their ability to help animals because of a lack of planning by many regional authorities.

You are asked to brainstorm legislation to address the resistance of cities and towns to adequately prepare for animals in disasters. You will need to understand the Federal PETS Act and its limitations, and determine how a state bill should be crafted to ensure each municipality in your state is prepared. You know the Federal PETS law, which amends the Stafford Act, encourages and reimburses states to provide for pet animal safety and care in disasters. However, you question whether the macro aspects of reimbursing state government is sufficient to motivate local governments to deal with pets on a micro level. You consider whether amending the Federal PETS Act might also be helpful. Lastly, you recognize the need to ascertain if there were any barriers to including pets in emergency planning or practical concerns that could be removed through legislation, such as making sure veterinarians can volunteer in other states and that

volunteer emergency responders during a disaster have immunity from liability arising out of their actions during a response.

You are instructed to:

1. Draft a bill or bills to resolve DART's issues. Note: you may use federal law and/or laws from any state to guide your research.
2. Create a fact sheet for your bill; and
3. Approach members for their sponsorship, co-sponsorship, and their votes on a state bill. The state legislature has 200 members (160 representatives and 40 senators).

Your bill number is Senate Bill 100.

Read the official competition rules for further details.

LOBBYING ROUND #1

You have drafted the bill, have had it reviewed by various other stakeholders and are now ready to find a sponsor. After thorough research and strategizing, you decide to ask state Senator Jones to sponsor your bill. That is the goal of this meeting.

SENATOR JONES (D)

Senator Jones is a Democrat who has mostly voted in favor of animal protection bills. While Senator Jones has not been the primary sponsor on animal bills in previous years, you know he is looking to increase his profile as a humane legislator because he is considering running for Congress next year. Senator Jones has 2 dogs.

For this legislative session, he has already committed to sponsoring a bill for a local humane group to regulate dog breeders and ensure there is an adequate remedy when a pet shop or other person sells a sick puppy. His veterinarian, Dr. Dwartz, is on the board of DART and has already casually mentioned the idea of this bill to Senator Jones when the Senator recently had to euthanize one of his dogs. Dr. Dwartz is the same person who helped with a bill to exempt veterinarians from civil or criminal liability for reporting animal abuse.

Senator Jones is the chair of the Agriculture and Natural Resources Committee. He was recently promoted by the Senate President to serve as Majority Whip and now is charged with developing and actively supporting the Senate's legislative agenda. With these appointments, Senator Jones joined a select group of members in the Senate President's leadership team chosen for their commitment, ability to lead in the legislature, and their track record of being able to deliver on important issues for the Commonwealth.

Given his ambitions for Congress, you expect he will be interested in the role of the federal law and why it seems insufficient, as well as good press. Senator Jones represents a mostly suburban district and the site where the state's Emergency Operations Center is located; therefore, he has close contacts with the state's EMA (Emergency Management Agency). Senator Jones has been in the legislature since 1995 and in his twenties was an EMT.

LOBBYING ROUND #2

You are meeting with Senator O'Connor to co-sponsor your bill. At this time the Disaster Preparedness Act has been introduced and you now have 23 co-sponsors in the House and 15 in the Senate. You understand that you need to continue to build your co-sponsor list with key members to get the bill ready for a committee hearing and, hopefully, floor action.

SENATOR O'CONNOR (R)

Senator O'Connor is a moderate Republican with a coastal district. She has recently been preoccupied battling insurance agencies that want to greatly increase rates to homeowner's in coastal cities and towns after re-categorizing what constitutes a floodplain. There was damage in her district during Hurricane Sandy, though there weren't any significant problems with animal evacuation due to preparation led by her animal control officer. She was quoted in the paper during this storm as saying that people were "stupid" if they would risk their lives for their pets.

As the current Minority Leader, Senator O'Connor is responsible for handling the Republican agenda in the Senate. Because this is a fairly new role for her, she is trying to build trust with her fellow republicans. Senator O'Connor is especially aware of any new programs that could be seen as putting an unfunded mandate on municipalities. She will play a role in balancing the state's budget and wants to avoid even the appearance of new spending or big government.

You have a well-known donor, Mr. Wingle, who lives in a beautiful house on the ocean in Senator O'Connor's district. Mr. Wingle has several small dogs he takes everywhere. He is the owner of *Shipwreck Times*, a newspaper that covers part of Senator O'Connor's district. You think you could talk to Mr. Wingle about a favorable editorial regarding the insurance issues Senator O'Connor is consumed with. PAS has a dinner next month and Mr. Wingle is the honorary host and has arranged for it to be held at the local banquet facility.

You also recently approached a lobbyist for the American Red Cross, who lives in O'Connor's district, who gave the impression they will support this bill though she still needs to get an official vote at the board level. You read on LinkedIn that this lobbyist also went to school with the Senator's staffer, and you hope that connection will help if the American Red Cross gets on board with supporting the Disaster Preparedness Act.

LOBBYING ROUND #3

You are meeting with Senator Sean Poplar, who Chairs the Senate Ways and Means Committee. At this stage, your bill has been introduced and has 34 House co-sponsors and 19 Senate sponsors. Your goal is to convince Chairman Poplar to support this bill and advance it quickly out of his committee.

SENATOR POPLAR (D)

Chairman Poplar is the Chair of Senate Ways and Means Committee ("It shall be the duty of the committee on Ways and Means to consider all matters relating to the finances of our state and such other matters as may be referred thereto.") You expect questions from Senator Poplar about this bill and its funding.

Chairman Poplar represents a fairly rural part of the state and the geographic span of her district is quite large. Senator Poplar is a well-known sportswoman (though she doesn't hunt now; she says she'd rather spend time with her grandkids). She supports sportsmen and women in the state and believes that they do a great job preserving land (a portion of hunting, trapping, and fishing

licenses goes toward land preservation). The Senator has strongly spoken out in favor of increased opportunities for sportsmen, such as reversing a ban on body-gripping traps and repealing a ban on hunting on Sundays.

Chairman Poplar recently sponsored a bill to add a bittering agent to antifreeze to prevent accidental poisoning of pets and people because one of her constituent's dogs was recently poisoned in this way. That bill passed with the help of your group. You sent several letters to the editor of her local papers thanking her for her support.

You have a good relationship and have "agreed to disagree" on the wildlife issues; however, a few weeks ago she posted on her Twitter feed that PAS's law enforcement team was "out of control" after they charged a person who trapped a skunk with cruelty to animals. Years ago, she filed a bill to take away PAS's law enforcement powers as it pertains to wildlife.

You know that she is very interested in moving a bill out of the Agriculture and Natural Resources Committee. You have heard, through another group's contract lobbyist, that she has considered pushing a "compromise" on some wildlife issues by creating a wildlife standards board to make decisions on trapping standards. Senator Poplar has been unsuccessful in numerous attempts to get Senator Jones to sit down and discuss this issue.