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# State-funded Lobbyists in Georgia: Wise or Wasteful?

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**State-funded Lobbyists in Georgia: Wise or Wasteful?**

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# **State-funded Lobbyists in Georgia: Wise or Wasteful?**

## Executive Summary

Most Georgia state agencies have full-time employees whose duties include lobbying General Assembly members on behalf of the agency. These employees act as liaisons between the agencies and the state elected officials and perform duties such as constituent services, providing information to legislators, and advice and expertise on issues affecting their agency. Periodically, the media has written articles questioning whether taxpayers' funds should be used to pay the salaries of these "lobbyists." This practice has come under fire as being a questionable or wasteful use of taxpayers' monies. This study examines the primary duties of agency lobbyists and asks legislators, via a questionnaire, if they support the use of state funds for agency lobbyists. The questionnaire also compares their perceptions of public and private lobbyists. Lobbyists were also interviewed to ascertain their view of lobbying in Georgia, and how the state agency lobbyists fit into the system and culture at the Georgia State Capitol.

A survey was sent to all 236 Georgia General Assembly members, and 79 were completed and returned for a response rate of 33 percent. The findings show that there is a lack of strong sentiment on this subject. The respondents were almost evenly split on the question of whether state funds should be used to pay the salaries of agency employees who lobby the legislature. Also, in most cases, the majority of the respondents chose the moderate answer which was provided when asked about their contacts with public lobbyists and their perceptions of their characteristics.

However, there is strong evidence that lobbyists are considered a vital part of the legislative process and the duties they perform are valued. In particular, agency lobbyists are considered to be “part of the team” and are judged differently from other lobbyists. Due to the fact that the Georgia General Assembly has few paid staffers, these lobbyists fulfill the needs of legislators in providing information, constituent services, expertise and advice. Georgia taxpayers’ monies are not being wasted or spent unwisely for the services that are provided by these agency liaisons.

## **Acknowledgments**

To Dr. Andrew Ewoh, for his careful reviews of this document to ensure it is worthy of publishing. His insights were welcomed and appreciated. Also, to Dr. Barbara Neuby, for her advice, care, and the time she gives to ensure that students truly master the subject at hand.

To my children, Emily and Will Durham, for their patience and understanding when I could not spend time with them because of my work on this project and toward my Master of Public Administration degree. I hope I have made you proud. Also, to my friends and family, who have encouraged and sustained me throughout this process. I appreciate your unquantifiable support.

# State-funded Lobbyists in Georgia: Wise or Wasteful?

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# State-funded Lobbyists in Georgia: Wise or Wasteful?

## Introduction

The Georgia General Assembly meets for 40 legislative days each year. It begins the second Monday in January, and typically remains in session until the end of March or early April. During the ensuing months, the State Capitol halls are filled shoulder-to-shoulder with representatives of associations, businesses, utilities, cities, counties, law firms, state agencies, and other groups that hope to influence legislators on legislation of importance to their cause.

A May 24, 2009 article in the *Atlanta Journal-Constitution* entitled “Taxpayers pay for lobbyists,” by James Salzar, recently contributed to an ongoing debate regarding state agency employees who register and serve as lobbyists. The article revealed that more than 270 state employees were registered lobbyists in 2009 and their salaries totaled more than \$25 million (Salzar, 2009, B1). The article questioned whether, in the tough economic times of 2009, the state should be funding the salaries of those whose duties include lobbying the legislature. In other words, should taxpayer-produced funds be used to pay the salaries of those who are advocating for more state funds for their agency?

This question calls for a further study. Is this just a media issue or are the majority of Georgia legislators opposed to using state funds for salaries of registered state lobbyists? Do legislators have a different perception of lobbyists who work for state agencies than of private lobbyists? Is that perception positive or negative? What are the services these employees provide to legislators in their role as lobbyists and state employees? These questions all pertain

to the larger question; is it a wise use of taxpayers' money to employ state workers who act as lobbyists?

The hypothesis of this study is that, in Georgia, a majority of General Assembly members support the use of state funds for the salaries of agency lobbyists because of the varied services they provide to the legislators including constituent help, information and data gathering, and expertise that is requested and given. A questionnaire was sent to all 236 Georgia General Assembly members asking questions pertaining to their support of funds being used for this purpose, as well as their perceptions of public versus private lobbyists. Also, six registered lobbyists—including agency, private, and others representing both private and public entities—were personally interviewed about their experiences and perceptions regarding state-funded lobbyists.

This research comes at a critical time in Georgia's legislative history. Georgia's House of Representatives and Senate had been firmly in Democratic control from the 1870s through the end of the 20<sup>th</sup> century (Bullock and Padgett, 2007, 63). Lobbyists representing all interests at the Capitol knew how the process worked and which powerful lawmakers they needed to influence because there was a very small upper echelon of powerful lawmakers who controlled the process. In 2003, Republicans won the majority of the Georgia Senate seats for the first time in Georgia history. The House of Representatives followed in 2005 when a Republican majority was elected. This drastically changed the playing field that had been known for so long. Lobbyists had to find the new power brokers, and build relationships with those they may have ignored for many years.

One of the Republican majority's first acts when controlling both houses of the General Assembly was the passage of House Bill 48, the Ethics in Government Act. It was signed into law by Republican Governor Sonny Perdue in 2005, and substantially altered the State Ethics Commission, and tightened rules for candidates and lobbyists alike. The revision clearly mandated that state employees who attempt to influence the legislative process must register as a lobbyist. The definition of a lobbyist used in this research is the same as was enacted into law in 2005 when the Georgia Code was amended. Georgia Code Title 21, Chapter 5, Section 70 includes the following definitions that pertain particularly to state employees who must register to lobby.

"Lobbyist" means:

(A) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(B) Any natural person who makes a total expenditure of more than \$250.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(C) Any natural person who as an employee of the executive branch or judicial branch of state government engages in any activity covered under subparagraph (A) of this paragraph;

Also added in 2005 was the definition of a state agency.

"State agency" means any branch of state government, agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of the state but does not include a local political subdivision, such as a county, city, or local school district or an

instrumentality of such a local political subdivision (*Georgia Code*, title 70, chap. 5, sec. 70).

The insertion of these definitions implies purposeful inclusion of state employees in the ranks of registered lobbyists. There are 119 state agencies, authorities, programs, courts and councils (Georgia Info, 2009) and Salzer's article reports that 270 employees of these entities were registered for the 2009 General Assembly session (Salzer, 2009, B1). In order to ensure compliance with the law, state entities register anyone who might have contact with and try to influence legislators. This includes 24 registered lobbyists representing Governor Sonny Perdue (State Ethics Commission, 2008). Prior to this law, the Board of Regents only had one lobbyist who was registered to represent the entire University System of Georgia. After this legislation was approved, any Board of Regents or state university employee who served as a liaison with the General Assembly or state government had to register as a lobbyist and file a disclosure report. There are currently 18 registered lobbyists for the Board of Regents representing the largest of the state's research, regional and four-year colleges and universities. (State Ethics Commission, 2009).

According to Katel (2005), the term "lobbying" began in England in the 17<sup>th</sup> century when citizens would wait in the lobby outside the House of Commons to attempt to speak with and influence members as they entered and left the chamber. The article further states that the term came to be used in the United States during Ulysses S. Grant's presidency "when favor-seekers and advocates he called 'lobbyists' would approach him in the lobby of the Willard Hotel, near the White House" (Katel, 2005, 622). Lobbyists today vary in type from highly-paid professionals who advocate on behalf of private companies or associations, to government

employees who advocate on behalf of their agency, to individual citizens with a cause. Although each has an agenda, their motivations and tactics differ.

The purpose of this research is to determine if there is support or opposition to state employees who perform the duties of lobbyists. Also, the study catalogs the perceptions of legislators who work with these lobbyists. This information is instrumental in rendering a judgment as to whether the use of state funds for the salaries of agency lobbyists is a wise or wasteful use of taxpayers' dollars.

## **Literature Review**

Although this study was motivated by the May 24, 2009 *Atlanta Journal-Constitution* article by James Salzer, it was influenced predominantly by a 1988 article written by Georgia State University Professor Emeritus Glenn Abney. His article, "Lobbying by the Insiders: Parallels of State Agencies and Interest Groups," that was published in the *Public Administration Review*, provided a comparison of public and private lobbyists in Georgia, and concluded that public lobbyists had more access and interaction with state lawmakers, and thereby had an advantage over private lobbyists (Abney, 1988, 916). Abney (1988) gained his information through a written questionnaire provided to all 236 Georgia General Assembly members, and interviewed lobbyists to determine what differentiates agency lobbyists and private lobbyists.

Abney's (1988) study brought forth nine propositions including, "Public lobbyists are informants and watchdogs, probably even more than private sector lobbyists," "As insiders, public lobbyists have greater access to decision making and decision makers," and "Public

lobbyists tend to be more influential in the legislative process than private sector groups.” Moreover, Abney (1988) provided evidence to support each proposition with survey results and interview excerpts. He also gave anecdotal accounts to shed light on the comparisons.

Particular attention was paid to three areas of lobbying that are of an advantage to public lobbyists—constituent services, the ability to be a “team player” with legislators, and the enhanced trust that may be held between agency lobbyists and legislators. Agency lobbyists have the ability to help legislators solve constituent problems, which engenders favor from the legislator. According to Abney (1988, 915), “Public lobbyists will often go out of their way to use constituent casework to make legislators look good to their constituents.” This assistance can also contribute to the feeling between legislators and public agency lobbyists that they are part of the same state government team, and they are all working toward the greater good. Private lobbyists are not public servants and thereby are not part of the team, in a place where being “part of the team” leads to enhanced trust between the parties. Abney (1988) asserts that public agency lobbyists are seen as more trustworthy because the information and advice they are providing is perceived as being in the public interest (Abney, 1988, 913).

Although Abney’s article was researched and written more than two decades ago, the information it provides is relevant today in Georgia politics. The election of a Republican majority in the House and Senate have brought about some changes that are obvious from the 1980s to now, but in essence, this article brings focus to many of the same qualities, characteristics and perceptions that apply today in the halls of the State Capitol. The article provided a sufficient amount of qualitative information but lacked quantitative statistical data to fully explain the viewpoints gained through the surveys.

Anthony J. Nownes's 1999 article, "Solicited Advice and Lobbyist Power: Evidence from Three American States," from *Legislative Studies Quarterly* uses data from a survey of 595 lobbyists in three states to determine which type of lobbyists have an "advice advantage" with legislators. Nownes (1999) qualifies an "advice advantage" by testing what types of lobbyists are approached more often by legislators for advice. His comparisons include full-time versus part-time, female versus male, and government versus non-government lobbyists.

Nownes' (1999) conclusion was that governmental lobbyists had a distinct advantage over other lobbyists in the area of advice. "Governmental lobbyists are substantially more likely than those for all other types of groups to report being approached frequently for advice" (Nownes, 1999, 119). He hypothesized that the advantage could be because governmental lobbyists are better-connected to legislators and policymakers. The author surmised that it also could be because of better access to the information that legislators needed, or finally, that governmental lobbyists are viewed as having greater objectivity than private lobbyists (Nownes, 1999, 119).

This information was particularly enlightening and helped to define the questionnaire used in this research. Questions were asked of legislators to measure if they perceived state-funded lobbyists to be more objective, well-connected or provide better information than private lobbyists. His conclusions about female lobbyists and full-time lobbyists were also very enlightening, but were not germane to the current research topic.

Nownes' (1999) study was principally in response to a 1985 article by William P. Browne in *The Journal of Politics* called "Variations in the Behavior and Style of State Lobbyists and Interest Groups." Browne (1985) studied the interactions between lobbyists and

state officials and concluded that lobbyists in different states reacted to the situation in that particular state in the way they lobbied legislators. There was no set pattern or rule for building these relationships. In his words, “Different styles of lobbying and interaction emerge which are supported by state-specific definitions, or norms, about appropriate relationships between lobbyists and policymakers” (Browne, 1985, 466).

In other words, the culture of the state determines the interactions between lobbyists and legislators. According to the lobbyists interviewed for this study, building relationships is the “root” of lobbying. They all agreed that lobbyists must build a trusting relationship with legislators to be effective in their jobs. Browne included Florida, Iowa, Michigan, and New Jersey in his study, so he did not have direct information about the culture of interactions in Georgia.

An article that is distinctly about Georgia lobbyists and politics is “Partisan Change and Consequences for Lobbying: Two-Party Government Comes to the Georgia Legislature,” by Charles S. Bullock III and Karen L. Padgett. Charles Bullock is a well-regarded political scientist from the University of Georgia, and is frequently called upon by the media to analyze Georgia government. The article he co-authored with Padgett (2007) gives a broad background of Georgia political history, including the Georgia culture of lobbying, and then discusses the changes brought about in lobbying after the General Assembly turned from majority-Democrat to majority-Republican in the 1990s. Like Browne, Bullock and Padgett focused on relationship building in effective lobbying. “A precondition for effective access is for the legislator to trust the lobbyist. Thus, the universal mantra of lobbyists is ‘never mislead a legislator.’ Development of trust takes time and repeated contacts” (Bullock and Padgett, 2007, 61).

Bullock and Padgett (2007) contend that the entire culture of lobbying in Georgia changed when Republicans took control of both chambers of the legislature, and when Governor Sonny Perdue was elected the first Republican governor in Georgia since Reconstruction. Instead of working only with the Democratic elite powerbrokers, lobbyists were forced to establish relationships with Republicans who were now the leaders. It taught them to look beyond the established leadership to younger, less experienced legislators to establish solid relationships early in their careers in hopes that they would maintain those relationships as the legislators gained more experience and were placed in leadership positions (Bullock and Padgett, 2007, 69).

This article was an excellent source of background information, specifically on Georgia history and its lobbying culture. Other sources were also obtained about the history of lobbying in the United States including a section of *The CQ Researcher* from June 22, 2005 (Katel, 2005) that provided information primarily on lobbying at the United States Capitol, but was relevant to the states as well. Also, an article by Oliver McKee, Jr. for the *North American Review* in March 1929 called “Lobbying for Good or Evil” provides a historical reference for lobbying in the United States. McKee (1929) contends that lobbyists are needed to provide information and advice. It is interesting to find how little has changed in 80 years.

Many other studies were accessed and read that gave good background information, and data regarding lobbying tactics and strategies (Schmidt, 2004; Douglas, 1999; Sloff, 1996; Austen-Smith and Wright, 1994), perceptions of lobbyists (Cohen et al; 1997; Rosenthal, 1996), and avenues to cooperation amongst lobbyists (Weiss, 1987). There are very few studies that limit themselves to state lobbyists—most focus on lobbying in Washington, DC—and even fewer that pertain specifically to state-funded, governmental lobbyists. The secondary purpose

of this research is to supplement the sparse amount of information on Georgia state government lobbyists and their relevance to the legislative process.

## **Methodology**

To test the hypothesis, a cross-sectional research design was used. All 236 Georgia legislators were sent a letter and a questionnaire which they were asked to complete and return. The letter described the intent of the study, and indicated that all answers would remain confidential, and all questionnaires would be destroyed at the completion of the study. They were asked to return the questionnaire in a self-addressed, stamped envelope that was provided with the letter. Responses were received from 79 legislators for a response rate of 33 percent.

Also, six reputable, experienced, registered lobbyists from the state of Georgia and one public policy expert were interviewed to capture their opinions and perceptions of state-funded lobbyists and private lobbyists. The questions were asked in personal interviews and were written as confidential notes by the author. The lobbyists were selected to ensure a representation of public and private lobbyists, as well as lobbyists that represent quasi-governmental agencies and/or associations. They were promised anonymity in return for their candid comments.

More than 1,600 lobbyists were registered with the State Ethics Commission for the 2009 General Assembly session (Salzer, 2009, B1). Although the author considered sending a slightly altered questionnaire to a random sample of lobbyists, it was decided that the answers from legislators were the true focus of the study so the information provided by lobbyists through a questionnaire would not have been directly relevant to the study's core question. The interviews

with lobbyists were used to provide the background and lobbying culture of the state, as well as to determine how they view the role of lobbyists in Georgia.

The data collected from the questionnaire focuses on the types of activities undertaken by lobbyists and the perceptions legislators have about lobbyists. An inherent limitation of this study is that much of the data collected is subjective. It represents the perceptions of individual legislators and lobbyists. Legislators were asked to directly compare private sector and public sector lobbyists, and to rate how they perceived public sector lobbyists in the areas of access to legislators, influence, objectivity, willingness to compromise, ethics, trustworthiness, reliability, understanding of the issues, and how well-connected they were. Legislators were also asked to indicate their level of support for state-funded lobbyists, their overall view of lobbyists, how often they request information from lobbyists, how often they ask for advice, and how often they ask lobbyists to assist their constituents.

At the end of the questionnaire, space was provided for legislators to provide any open-ended comments that they wished. Seventeen legislators provided comments. However, all other questions were closed-ended and the answers were mutually exclusive. The interviews with lobbyists consisted of all open-ended questions.

Answers to the closed-ended questions were coded and underwent computer analysis to determine frequency distributions. Bar charts are used to communicate the statistical findings in the form of percentages. Only univariate analysis is used, because each variable is intentionally measured separately from all others.

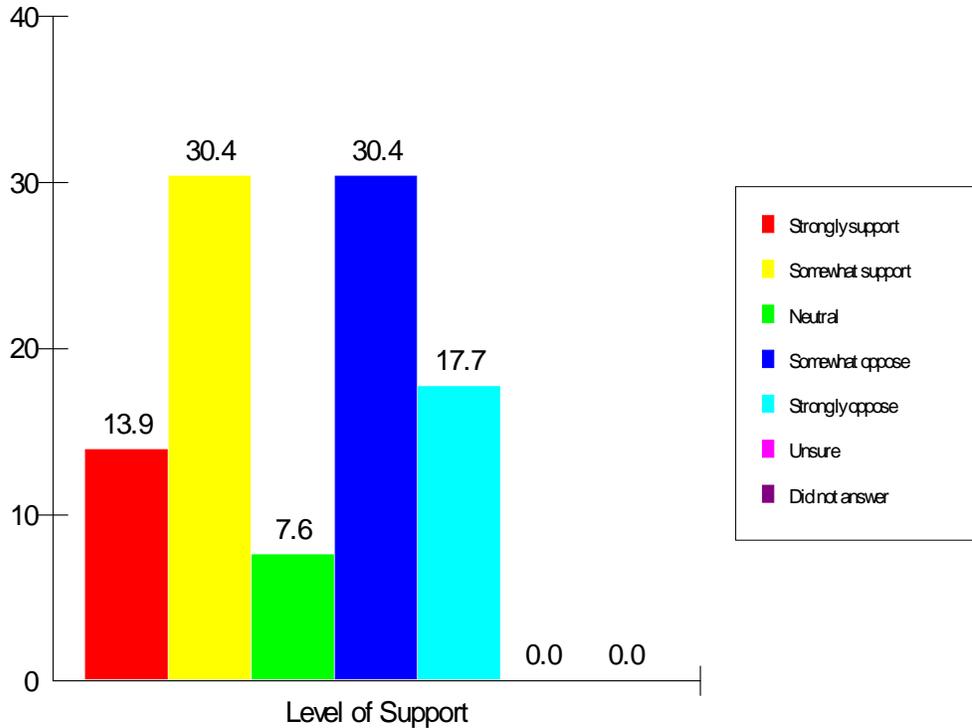
## **Findings**

### **Level of Support**

The first question in the questionnaire was, “Please indicate your level of support or lack of support for state agencies using state funds to pay the salaries of staff whose job duties include lobbying the state legislature.” The reason for asking this question at the beginning of the survey was to find their immediate reaction to the question without leading up to it with questions about characteristics of public lobbyists. Placing the question at the end of the survey may have produced different results.

The results from the 79 returned questionnaires indicated that 44.3 percent of the respondents either strongly supported or somewhat supported the use of state funds to pay the salaries of public lobbyists, while 48.1 percent either somewhat opposed or strongly opposed the use of taxpayers’ money for this purpose. Figure 1 below shows that the opinion “somewhat support” and “somewhat oppose” categories were equal with 30.4 percent. This demonstrates a definite division by respondents with no clear support or dissent if an effort would be undertaken to stop using taxpayers’ monies to pay the salaries of state agency lobbyists.

Figure 1.



The questionnaire allowed space for comments and 17 legislators took advantage of the opportunity. One wrote, “I don’t feel a need for public-funded lobbyists. Each department head should have a good enough relationship with legislators to contact us directly.” Another legislator opposed to taxpayer-funded lobbying wrote, “I do not think the state should have to provide, or [have] the need for lobbyists. It is a shame that we have reached that level of government. It is just more bureaucracy and costs. They are not cheaply paid. Unfortunately, they are entrenched.”

In turn, a legislator who supports public agency lobbyists wrote, “It’s my experience that public sector lobbyists are more knowledgeable about bills that affect their department and they are willing to share. It’s hard to know all the bills that come before us. It helps that there are

lobbyists who tell what really is in a bill and what it will do.” Lobbyists interviewed for this study questioned the high number of legislators who responded they were somewhat or strongly opposed to this practice, questioning if some legislators recognize state employees as lobbyists. Many think of them as liaisons or government relations specialists who are there to assist legislators. One lobbyist estimated that he believed less than 5 percent of an agency lobbyists’ job is to actually lobby legislators. He indicated that most of their time is spent in other government relations activities such as providing information, evaluating legislation, and constituent services (Anonymous, 2009).

### **Overall View of Lobbyists**

The next question was asked to gauge the legislators’ overall view of lobbyists to try to ascertain if there was a predisposition in support of or opposing all lobbyists. Lobbying has had a negative connotation in the public arena since early in the 20<sup>th</sup> century, as indicated by McKee (1929, 344). The Jack Abramoff scandal of the 1990s in Washington, DC also perpetuated the caricature of corrupt lobbyists influencing legislators with trips, five-star meals, and cash. However, legislators interact with lobbyists every day the General Assembly is in session, and many days when it is not, so their perception is expected to be much different than the average citizen.

Legislators were asked, “How would you describe your overall view of lobbyists?” and the answers provided were, “1) They are a vital part of the legislative process; 2) They are a somewhat helpful part of the legislative process; 3) They are a hindrance to the legislative process; and 4) No strong feelings either way.” The results were dramatically supportive of the role lobbyists play in the process. Sixty-three percent of the respondents agreed that lobbyists

are a vital part of the legislative process, and another 30.4 percent said they were somewhat a helpful part of the process. Only 3.8 percent of the respondents said they were a hindrance and 2.5 percent said they had no strong feelings either way. In total, 93.7 percent of the legislators who responded have a positive view of lobbyists. Some possible reasons why include the fact that legislators depend on lobbyists—public and private—to provide information, expertise and advice, which will be explored in deeper detail in subsequent sections of this study.

The role of lobbyists has changed greatly over the years in Georgia. In fact, Article 7 of the Georgia Code in 1896 defined lobbying as:

Lobbying is any personal solicitation of a member of the General Assembly of this State, during a session thereof, by private interview or letter, or message, or other means and appliances, not addressed solely to the judgment, to favor or oppose, or to vote for or against any bill, resolution, report or claim, pending or to be introduced in either branch thereof, by a person or corporation interested in the passage or defeat of such bill, resolution, report or claim, for the purpose of procuring the passage or defeat thereof.

The punishment for being guilty of lobbying was “punishment by confinement in the penitentiary for not less than one year nor more than five years” (Georgia Code 1896, art.7). This meant that any communication with a legislator regarding an issue being considered by the General Assembly that was “not addressed solely to the judgment” of a legislator was illegal. The conventional form of lobbying is no longer illegal in Georgia, but the stereotype still applies with the public. However, results of this survey show that those stereotypes do not reside in the minds of a majority of General Assembly members.

### **Information, Assistance and Advice**

The next three questions on the questionnaire asked legislators to rate how often they requested information, constituent assistance or advice from state agency lobbyists. The eligible responses were frequently, often, occasionally, seldom or never. These three categories were chosen after reviewing pertinent literature, particularly Abney (1988), Nownes (1995), and Browne (1985), and because state agency lobbyists say that a large part of their job as government relations professionals is to provide information, constituent services, and advice.

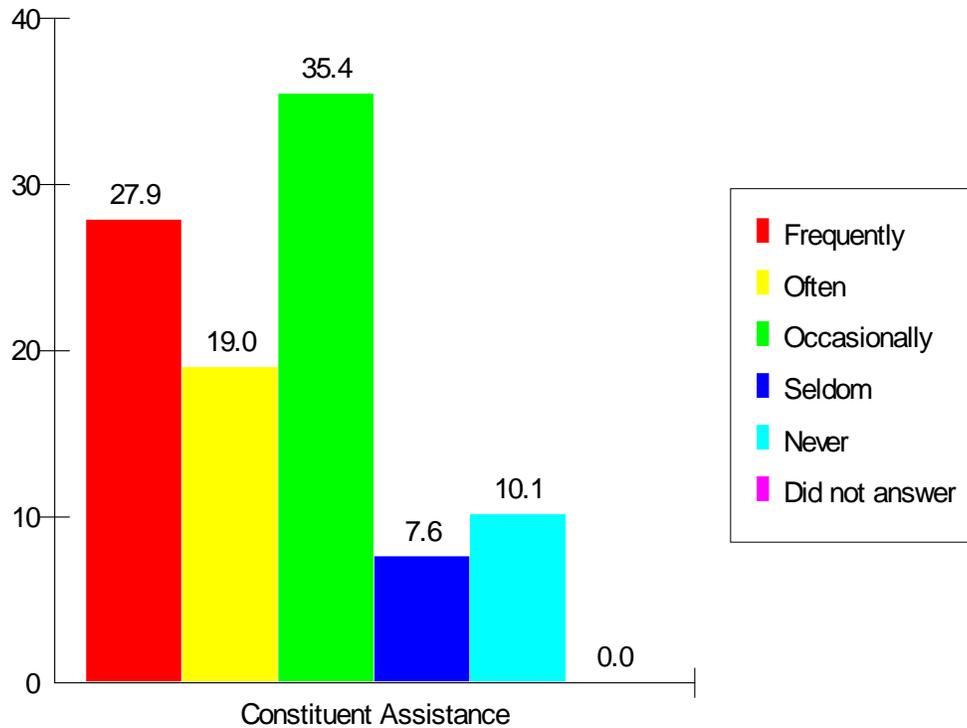
More than 50 percent of the respondents answered that they contact agency lobbyists frequently or often, and 31.6 percent agreed that they contact them occasionally for information. The three categories together demonstrate that 82.3 percent of the legislators contact agency lobbyists for information. Another 12.7 percent said they seldom asked lobbyists to provide information, while 5.1 percent said they never ask for information from a lobbyist.

This could be an indication of the limitations placed on legislators by not having enough staff members. Unlike the U. S. Congress, Georgia's General Assembly has very few staff members, and most provide administrative, not research, support. The small number of legislative staff cannot provide the research and information needed to adequately study all pending legislation so legislators depend on lobbyists to fill this need. One lobbyist interviewed for this study said, "Absent full-time professional legislative staff and adequately-funded research offices, intergovernmental relations (the interaction between legislators and state agency employees) are essential to enhance understanding by the legislators. There is not enough staff so department lobbyists must take on the staff role to help legislators understand the legislation that is before them" (Anonymous, 2009).

Assisting constituents with state government difficulties is another area in which lobbyists claim that they spend a significant amount of their time. For instance, a legislator may ask an agency lobbyist for the Department of Human Services to track down a Medicaid claim, or the Department of Labor to check a workers' compensation claim, or a college or university lobbyist to check on the admission application of a constituent. This does not mean that legislators only go to public lobbyists for this type of help. One legislator wrote in the comments section, "I have occasionally gone to private lobbyists when a constituent was not getting what his medical policy called for and found them helpful." So private lobbyists, such as in this case, may provide constituent assistance as well. However, a lobbyist interviewed for this study who has worked in both the private sector and public sector setting, asserted that private lobbyists receive more personal requests from legislators while public lobbyists receive more constituent requests (Anonymous, 2009).

However, the question asked in the survey concentrated on public sector lobbyists, and how frequently legislators ask them to assist their constituents. Figure 2 below shows the distribution of responses.

Figure 2.



As with the question regarding information requests, 82.3 percent of the respondents said they requested assistance from a lobbyist frequently, often or occasionally. Once again, this could be something handled by legislative staff if there were an adequate number employed. Instead, the agency lobbyist is often asked to provide this service. This is a win-win for agency lobbyists because they are assisting the legislator, which endears that legislator to the lobbyist or agency, and the lobbyist has an opportunity to help the legislator look good to his constituent.

The results in the third area—asking for advice—are markedly different from the first two. When asked, “How often do you contact state agency lobbyists to ask them for advice on legislation?” only 26.6 percent said “frequently” or “often.” The largest percentage said “occasionally” at 40.5 percent and a combined 32.9 percent said they “seldom” or “never” asked

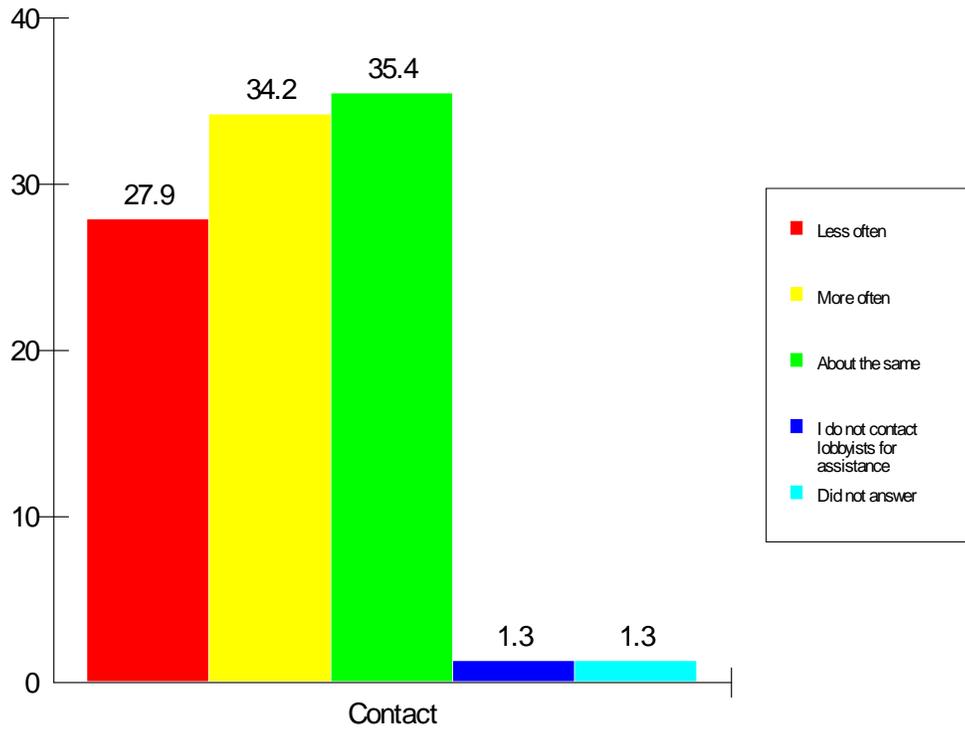
for advice on legislation. These findings could indicate that legislators are reluctant to admit using lobbyists as a resource or that, in fact, they prefer not to use agency lobbyists as resources. In reference to this, one legislator wrote, “Agency liaison staff to monitor legislation, provide information, and be a resource in [sic] legislative process are invaluable. Often they could be the sole source to identify unintended consequences of a proposed policy or budget initiative.” This same legislator answered that they “occasionally” asked for advice from state agency lobbyists, which could indicate that this legislator either only occasionally requests advice but accepts it or that he or she is downplaying their requests for advice.

The findings from these questions clearly indicate that most legislators at least occasionally use agency lobbyists to provide information, constituent assistance and/or advice. This supports earlier findings that legislators find the role of lobbyists to be helpful or vital in the legislative process. This may not be the case in other states that have larger legislative staffs or a different lobbying culture, but in Georgia, there appears to be a relationship between legislators and lobbyists working together to craft and consider legislation.

### **Direct Comparison of Public vs. Private Lobbyists**

Legislators were asked to compare their contacts with public sector lobbyists and private sector lobbyists, and to rate whether they contacted public sector lobbyists more often, less often or about the same as private lobbyists. Figure 3 below shows a fairly even distribution of answers, which indicates no real consensus on one type of lobbyist being contacted more than another.

Figure 3.



This was a broad question that did not define a particular type of contact. This may have contributed to the relatively even responses in each category. As referenced before, one possible explanation for this is that legislators contact public and private sector lobbyists for different reasons. Legislators tend to contact private lobbyists more often for help with personal issues and they contact public lobbyists to help their constituents. For instance, a lobbyist for a cell phone company may receive a call from a legislator who is having problems with their cell phone service. However, a lobbyist for a public agency will usually be contacted by a legislator asking them to perform some type of constituent assistance. The lobbyist interviewed said, “For

a public sector lobbyist, it is no longer what you can do for me, now it is what can you do for my constituents?" (Anonymous, 2009).

### **Characteristics of Public Sector Lobbyists**

The final questions asked legislators to directly compare private and public sector lobbyists, and to rate different perceptions and characteristics. These questions were asked to attempt to find if legislators perceive public lobbyists differently than they do private lobbyists. For instance, is a public lobbyist more trustworthy than a private lobbyist? Is a public lobbyist seen as "part of the team" or "on the same side" as legislators? Are they considered to have more or better access to legislators?

These types of questions could be separated into two categories. The first pertains to aspects related to the public lobbyists' character. Are public lobbyists more trustworthy, reliable, objective or ethical than private lobbyists? When asked these questions, in most cases, legislators took the middle road by answering "sometimes" most often. The questions were, "In a direct comparison between private sector and public sector lobbyists, do you perceive public sector lobbyists to.... Be more objective? Be more ethical? Be more trustworthy? Be more reliable?" Their answer choices were always, frequently, sometimes, never and no opinion.

Most respondents were cautious about answering these questions. In asking if public sector lobbyists are more ethical, 39 percent said they had no opinion. The next highest response was "sometimes" with 25 percent. This question is problematic and difficult to interpret because everyone has a different view about ethics. One person's idea of ethical behavior may be completely different from another's view. When composing the question, the author thought of

ethics in terms of ‘crossing the line’ through bribery, blackmail or threats but they were not stated in the question, which may have caused confusion.

When legislators answered this question, one cannot assume what definition of “ethical” behavior they had in mind. The overly-broad question is the likely reason there was such a strong “no opinion” response. A lobbyist who has worked in both the private and public sector said that there is no difference in ethical behavior between the two types of lobbyists because they all had to follow the same rules. However, there is some added pressure for public sector lobbyists because they have to be accountable to the taxpayers for any funds that are spent on lobbying activities (Anonymous, 2009). This limits them significantly, and may enhance the view that public sector lobbyists are more ethical, probably due to the fact that they do not have the resources at their disposal to cross that ethical line with gifts, trips and money.

Another question that yielded a high number of “no opinion” responses pertained to trustworthiness. Thirty percent of the respondents had no opinion on this question, and 31 percent said the public sector lobbyists are “sometimes” more trustworthy. Five legislators said that public sector lobbyists are “always” more trustworthy, while 12 contended that they were “never” more trustworthy.

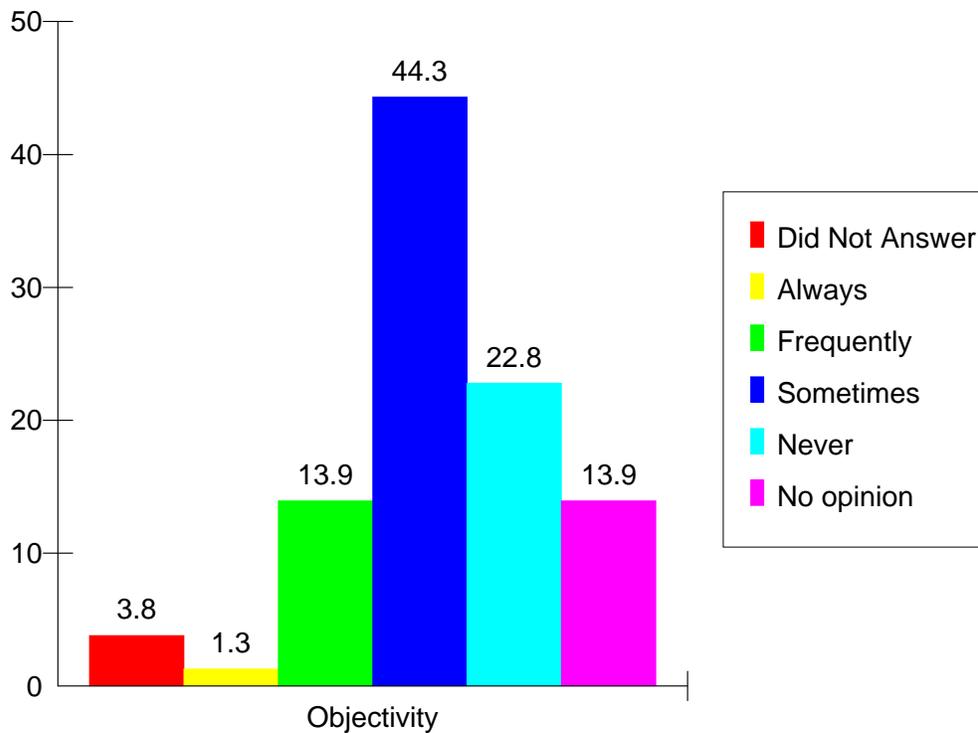
All lobbyists interviewed for this study were very strongly in agreement that a lobbyist must be truthful with a legislator. If lobbyists are caught lying or misleading a legislator, then their credibility is lost, and they cannot function as lobbyists. One lobbyist said, “Relationship building is at the root of lobbying. The legislators have to trust you. A person who intends to be a lobbyist as his or her career has to build honest, trusting relationships. You must be credible. Lobbyists who are not honest do not last in the Capitol” (Anonymous, 2009).

Legislators echoed those sentiments in their comments. One wrote, “Lobbyists must always be truthful. If ever one is caught lying, they become useless and are never believed again. In political realms, that is death.” Another wrote, “I have never received bad information from public or private sector lobbyists. I believe it is because if they give you wrong information or ‘lie’ to you then they lose their credibility.”

Closely related to the concept of trustworthiness is reliability. Once again, the highest percentages to this question came from the “no opinion” and “sometimes” categories. Forty percent of the respondents said that public sector lobbyists are “sometimes” more reliable, while 20 percent had no opinion. Along with being trustworthy, a lobbyist must be reliable to build effective and meaningful relationships with legislators.

When asking about objectivity, the results were decidedly different than the three questions discussed above. Once again, “sometimes” had the largest response with 44 percent of the respondents, however, the second largest response was the “never” category. Almost 23 percent of the respondents said that public lobbyists were never more objective than private lobbyists. This is likely to be because public sector lobbyists have only one client—their agency—while private lobbyists typically represent many clients. A public agency lobbyist is lobbying for or against legislation based on how it will affect their agency and the people of Georgia. While that might be seen by some as admirable, it is not objective. The full results of this question are shown in Figure 4 below.

Figure 4.

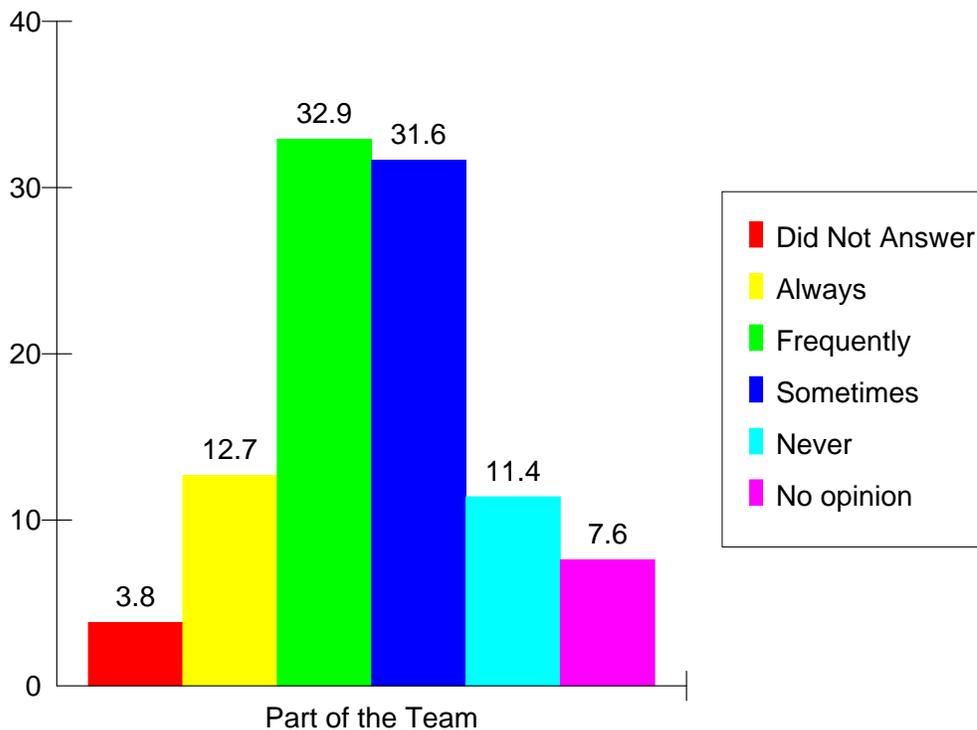


The last six questions (that were not arranged in any particular order on the questionnaire) relate to the aspects of a lobbyist that determines how effective they are in their job. The questions assume that a successful lobbyist is perceived as one that has access to legislators, has influence on legislators, is well-connected in state government circles, has a solid understanding of the issues, and is willing to compromise. Also, a successful public agency lobbyist may have an advantage because they are seen as being “on the same team” as legislators. These questions were asked to ascertain if public agency lobbyists have an insider’s advantage over private lobbyists.

Once again, respondents usually stayed on the moderate course with their answers, but some provide interesting insight into how public agency lobbyists are perceived. For instance,

the question with the strongest response was when they were asked if public agency lobbyists were seen as “part of the team.” This sense of working for the common good or being co-workers or colleagues can have an influence on legislators as they consider legislation. This is the only question in the block of 10 questions in which “sometimes” was not the largest response. When asked if public lobbyists were seen as “part of the team,” nearly 33 percent of respondents said “frequently” and nearly 22 percent said “sometimes.” Another twelve percent said that public sector lobbyists were “always” seen as being “part of the team” as demonstrated in Figure 5.

Figure 5.



A lobbyist who has worked in the public and private lobbying ranks said that there is a sense amongst legislators that public lobbyists share a “common goal” of serving the people of

the state. This correlates strongly with the 1988 Abney study findings (Abney, 1988, 913). Another legislator said, “Public lobbyists are seen as ‘part of us’ and they are held to a higher standard. They are expected to have more knowledge of the subject at hand.” This brings about the two sides of this issue—one being that there is an advantage to being seen as serving the people together—but the other side is that the standards are higher and that they cannot deploy some of the tactics used by private lobbyists. For instance, a public agency lobbyist cannot threaten to mobilize votes against a legislator or withhold campaign contributions. In the words of a private lobbyist, “Public lobbyists are always acting from the standpoint of public service. [They] are always in begging mode. They cannot use threats of hurting the district or taking away votes like private lobbyists can” (Anonymous, 2009).

Another question that indicated a strong positive response pertains to whether public lobbyists are “better connected with government officials” than private lobbyists. The collegiality discussed above could have an influence on this question as well. If it follows that lobbyists who have better connections with government officials also have more influence, then public sector lobbyists would have a significant advantage.

In answering the question, 34 percent of the legislators said that public agency lobbyists are “sometimes” better-connected, while 32 percent indicated that they are frequently better-connected and almost nine percent said they “always” are better-connected. An interesting result is found when comparing answers from the above question about public lobbyists being more well-connected to the question that asked if public agency lobbyists had “greater access to legislators.” Almost 47 percent of the respondents said that public agency lobbyists “sometimes” had greater access to legislators, while 15 percent said “frequently,” and 2 percent indicated “always.” It is possible that they believe public lobbyists have greater access to legislators

because the legislators themselves contact public lobbyists more often for information or constituent assistance. Consequently, a lobbyist with an easier access to legislators is considered better-connected to government officials.

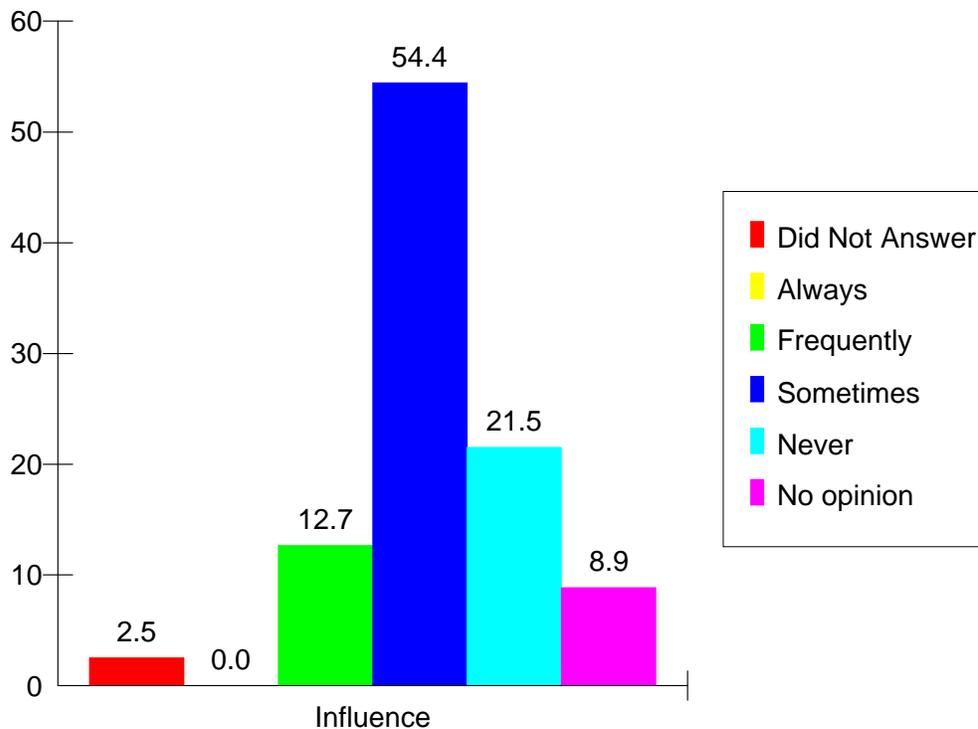
Respondents continued their penchant for “sometimes” as an answer when asked if public lobbyists had a better understanding of the issues. More than 51 percent of the respondents indicated that public lobbyists “sometimes” have a better understanding of the issues than private lobbyists. Only 7 percent said “never,” while 12 percent responded “frequently,” and almost 9 percent echoed “always.” The fact that public agency lobbyists are viewed as insiders could contribute to the perception that they have a better understanding of the issues. Since government employees work for the agency they represent, they operate every day with the issues that affect the agency. This emersion in these issues gives familiarity and credibility. One legislator wrote when speaking of public lobbyists, “I don’t see this as a problem. The practitioners are the most qualified, and reliable source when working on legislation that directly impacts a government agency.”

Results of the questionnaire demonstrate that almost 57 percent of respondents believe that public sector lobbyists sometimes “show more willingness to compromise.” This is the highest response to any question asked. Another 15 percent answered “frequently,” 1 percent said “always,” and 10 percent indicated “never.” This view that they are willing to compromise could also have an influence on the perception that state-employed lobbyists are “part of the team.” Perhaps, compromise is more necessary as public lobbyists because they must retain a positive relationship with the legislature due to the fact that they are dependent on legislators for their budget. One public lobbyist said that he and his colleagues can never publicly imply that they are not supportive of the legislators’ decisions because it will have negative ramifications

(Anonymous, 2009). If you know going into a legislative session that you can only gratefully accept what is given to you, then, of course, you are more willing to compromise.

The final question was, “In a direct comparison between private sector and public sector lobbyists, do you perceive public sector lobbyists to have greater influence on legislators?” This question could be viewed as the most telling of the comparison questions because a high degree of influence is what all lobbyists wish to achieve. They would not be there if they were not trying to influence legislators. They can gain a high degree of influence through being well-connected, having access or their willingness to compromise. The results for this question are presented in Figure 6.

Figure 6.



More than half of the respondents agreed that public lobbyists “sometimes” had greater influence than private lobbyists, and another 12 percent indicated that they frequently had more influence. Although this study asked about traits that can lead to increased influence, it did not ask questions that could lead to direct answers as to why their influence is perceived to be greater.

## **Conclusion**

The term “lobbyist” is used to describe almost anyone who asks lawmakers to support or oppose legislation. There are representatives from a single private business, or those who are paid to advocate on behalf of many businesses or non-profit agencies, those representing associations, and those who represent government agencies or county or municipal governments. They are all referred to as “lobbyists,” however, their jobs are very different. A contract lobbyist may represent multiple clients and is paid to present their varied interests. A private lobbyist who lobbies on behalf of a company has a different goal and perspective, as does an agency lobbyist. All lobbyists interviewed for this study agreed that lobbying legislators is a very small part of an agency lobbyist’s role. In fact, most used the word “liaison” or “intergovernmental relations specialist” to refer to these employees because their primary duties consist of providing requested information, constituent assistance, and providing expertise and advice when requested. One lobbyist went so far to say that, “Public agency lobbying is not only ethical, but it would be a dereliction of duty not to have agency lobbyists. Each agency needs a person dedicated to interfacing with the legislature” (Anonymous, 2009).

One legislator who considered the questionnaire to have an “anti-government bias” contended that:

It is absolutely appropriate for agency staff to bring the agency’s information, experience and expertise to the legislators and the legislative process. I disagree with the proposition to equate agency staff to high paid lobbyists who press the agenda of private sector interests. Agency staff do not have an individual pecuniary financial stake in policy, but rather a stake in upholding the agency’s mission to provide services to the public as opposed to a private profit motive.

Not surprisingly, this legislator indicated on the survey that he or she strongly supported the use of state funds to pay the salaries of these employees and also answered that lobbyists are a vital part of the legislative process.

Georgia law very clearly states that executive and judicial branch employees who lobby the legislature must register as lobbyists. Since the law was strengthened in 2005, more state employees have registered in an abundance of caution despite the fact they do not consider themselves lobbyists. The governor’s office even has a large number of employees registered as lobbyists, because those employees have a role in trying to influence legislators to support the governor’s legislative package.

A legislator summarized this sentiment thusly,

Lobbying is only one of the duties of public sector lobbyists. By Georgia law, agency heads or designees have to be registered lobbyists to speak to legislators/authors of specific legislation. According to a survey by NCSL [National Conference of State Legislatures], in many states, state employees, including directors of agencies who provide information on legislation or respond to requests for information are not considered lobbyists.

What would change if state employees were no longer allowed to “lobby” legislators? Lobbyists argue that one of the two scenarios would happen. One possibility is that there would be many state employees still discussing legislation with legislators but who would not be registered and therefore would not be required to disclose funds spent on legislators. This would cause a greater problem because they would not be under close scrutiny or regulated like other lobbyists.

The other possibility is that instead of state funds being spent on the salaries of employees who occasionally act as lobbyists, they would use taxpayers’ funds to pay a contract lobbyist to represent their interests. According to one lobbyist,

It would not work to say an agency couldn’t have a lobbyist. It would be more problematic if state agencies were using agency funds to hire outside lobbyists whose entire job it is to lobby. Even if agency employees were not allowed to lobby, they would still have to take care of all the other items such as research, providing information to legislators, and constituent services (Anonymous, 2009).

This issue fades in and out of the public’s consciousness every few years—typically when the media writes a story about it. One Georgia public policy expert explained that this is not an issue that keeps the public impassioned. It is one for which they may show their indignation for a short period of time—as they would whenever they hear the term “lobbyist.” However, since it does not hold the public’s interest, legislators are unlikely to attempt to change the law or bring the matter for public debate.

The large number of moderate responses given in the survey also indicates a lack of passion for the issue. There were 16 questions asked in the survey, and the largest response in 13

of the 16 questions were either “sometimes,” “occasionally,” “about the same,” or “somewhat oppose” or “somewhat support.” Only three questions elicited a stronger reaction than the most moderate choice given.

More than 63 percent of the legislators indicated that lobbyists are a vital part of the legislative process. That is, the single largest percentage for any answer in the questionnaire. This shows a large amount of support for the work of the lobbyists in the state legislature, which may be primarily due to the lack of legislative staff support. Legislators must depend on agency and other lobbyists to provide information about legislation. They have become dependent on the information and service lobbyists provide.

When asked if public sector lobbyists were considered “part of the team,” a majority of the legislators answered “frequently.” This was only one percentage point difference from the number of answers given for “somewhat,” but it demonstrates that legislators view public sector lobbyists differently than other lobbyists. The last question that elicited a majority answer other than the most moderate choice was the question comparing the ethics of public and private lobbyists. The most selected response to that question was “no opinion.” The fact that nearly 40 percent of the respondents to that question chose not to offer an opinion is interesting. This could be an indication that they did not answer because there was no definition given or that they simply chose not to comment on the ethical behavior of private or public lobbyists.

The results of this study indicate that state-funded public lobbyists are an important part of the legislative process, since they provide many services to the legislature that their limited staff is unable to perform. It is clear that legislators depend on lobbyists for information, constituent assistance, and expertise. So, why would some say they oppose taxpayers’ money to

be used for this purpose? Possibly, it is due to the fact that they do not know or see the distinction between a “liaison” and a “lobbyist.” Agency lobbyists are so much a “part of the team” that they do not fit the legislators’ personal definition of lobbyist and therefore, they do not see them in the negative light that the word “lobbyist” often is associated with. However, there is also the possibility that these legislators simply see a fundamental conflict of state employees acting as a lobbyist.

Public agency lobbyists provide a valuable service to the legislators and the people of the State of Georgia. Even if they were not registered lobbyists, which the current law requires them to be, they would perform the same duties, and still be some of the most knowledgeable people at the Capitol. They have been painted with the broad, tarnished brush of all lobbyists because of the ugly connotation of that term. Instead, they should be called what they are—liaisons. They should still register as lobbyists, since a small portion of their job does entail lobbying the legislature, but their role is different than other lobbyists, and that should be recognized.

Is it a wise use of taxpayers’ money to employ state workers who act as lobbyists? The evidence shows that state agency lobbyists are a vital part of the legislative process. The \$25 million in state salary (Salzer, 2009, B1) paid to these employees is well worth the service they provide to a legislature without sufficient staff to meet its needs. Prohibiting state employees from filling these roles would incur a significant financial cost in either hiring more staff or contracting out for private lobbyists. The current system provides a win-win for both legislators and agencies by providing what legislators need and giving agencies the access they need to lawmakers.

## References

- Abney, Glenn. (1988). Lobbying by the Insiders: Parallels of State Agencies and Interest Groups. *Public Administration Review*, (September/October): 911-917.
- Anonymous. (2009). Interviews with lobbyists. Atlanta, GA. September – October 2009.
- Austen-Smith, David and John R. Wright. (1994). Counteractive Lobbying. *American Journal of Political Science*, 38 (1), 25-44.
- Browne, William P. (1985). Variations in the Behavior and Style of State Lobbyists and Interest Groups. *The Journal of Politics*, 47(2), 450-468.
- Bullock III, Charles S., and Padgett, Karen L. (2007). Partisan Change and Consequences for Lobbying: Two-Party Government Comes to the Georgia Legislature. *State & Local Government Review*, 39(2), 61-71.
- Cohen, Joanna E., Goldstein, Adam O., Flynn, Bryan S., Munger, Michael C., Gottlieb, Nell H., Solomon, Laura J., and Dana, Greg S. (1997). State Legislators' Perceptions of Lobbyists and Lobbying on Tobacco Control Issues. *Tobacco Control*, 6(4), 332-336.
- Douglas, James W. (1999). Agencies Strategies and Determinants of Agency Success under Redirection in Georgia. *State & Local Government Review*, 31(1), 31-42.
- Georgia Code. Title 21, Chapter 5, Section 70.
- Georgia Code of 1896. Article 7.
- Georgia Info. (2009). Georgia Government Organization Chart. University of Georgia. Retrieved on October 2, 2009. <http://georgiainfo.galileo.usg.edu/pdf/2009orchart8x11-detailed.pdf>
- Katel, Peter. (2005). Lobbying Boom. *The CQ Researcher*, 15(26), 613-636.
- McKee, Jr., Oliver. (1929). Lobbying for Good or Evil. *The North American Review*, 227(3), 343-352.

- Nownes, Anthony J. (1999). Solicited Advice and Lobbyist Power: Evidence from Three American States. *Legislative Studies Quarterly*, 24(1), 113-123.
- Rosenthal, Alan. (1996). State Legislative Development: Observations from Three Perspectives. *Legislative Studies Quarterly*, 21(2), 169-198.
- Salzer, James. Taxpayers pay for lobbyists. (2009). *The Atlanta Journal-Constitution*. (May 24), B1.
- Schmidt, Peter. (2004). In State Capitals, Public Colleges Adapt to a Tough Game. *Chronicle of Higher Education*. (October 22), 51(9), A34-A36.
- Sloof, Randolph. (1997). Competitive lobbying for a legislator's vote: A comment. *Social Choice and Welfare*, 14, 449-464.
- State Ethics Commission of Georgia. Lobbyist Reports. 2008. Retrieved on September 16, 2009. [www.ethics.state.ga.us/lobbyist/lobbyist\\_menu.aspx](http://www.ethics.state.ga.us/lobbyist/lobbyist_menu.aspx).
- Weiss, Janet A. (1987). Pathways to Cooperation among Public Agencies. *Journal of Policy Analysis and Management*, 7(1), 94-117.