

Between a Rock and a Hard Place:

Problem Gambling Funding & Politics

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**PRESENTED AT MIDWEST CONFERENCE
ON PROBLEM GAMBLING AND
SUBSTANCE ABUSE (MCPGSA)**

10:45-TO-11:45 AM, WEDNESDAY, JUNE 21

**PRESENTER: BOB KERKSIECK,
LMSW, IAADC**

6/2/2017

Welcome

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Bob Kerksieck, LMSW, ACADC

Retired Health Facilities Surveyor

Was at Iowa Department of Public Health **2006-2016**

E-Mail: dinahandbob@hotmail.com

Facebook (to see bird & flower pix): dinahandbob

What We Will Cover re: PG Funding & Politics

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- 1. Identify who can & can't lobby and how to avoid conflicts of interest.**
- 2. Identify strengths, especially State Affiliates, that can be used to maximize the positive impact of lobbying for problem gambling.**
- 3. Work from strengths to avoid budget cuts in tight economic times for states and to avoid budget raiding by other entities.**

Thanks to Attendees from Other States

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How many attendees from each state today?

1. Iowa
2. Kansas
3. Missouri
4. Nebraska
5. Oklahoma

Common Terms

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- **State Problem Gambling Coalitions may also be called:**
 1. Council
 2. Affiliate
 3. Other?
- **All five states were at one time recognized Affiliates of NCPG**
- **According to the current NCPG Website Kansas, Nebraska & Oklahoma are Affiliates at this time.**
 - Iowa and Missouri are not
- **NCPG = National Council on Problem Gambling**

Thanks Attendees from Other States

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A special thanks to:

1. Nebraska and Oklahoma Coalition chairs (Jerry Bauerkemper & Wiley Harwell) for attending.
2. Also Keith Spare, the last Missouri Council chair until he resigned three years ago.
3. Carol Spiker & Kansas Coalition chair Joyce Markham have also been invited but hadn't responded before I turned in the PowerPoint.
4. Iowa hasn't had a coalition for at least five years and in its last few years all Coalition members were substance abuse treatment program directors, which sometimes created a conflict of interest.

Is Prob. Gamb. a Priority in Your State?

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How supportive would you say your state legislature is of problem gambling (PG) prevention and treatment?

By State Please (by Alpha) –Thumbs Up or Thumbs Down:

1. Iowa
2. Kansas
3. Missouri
4. Nebraska
5. Oklahoma (funding comes from tribal entities)

Prob Gamb: a Priority in Your State?

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Prevention/treatment providers and other members of the public: who you think is responsible for improving relations with the legislature/tribal entities in your state?

By State Please (by Alpha –and the 1st shall be last):

1. Kansas
2. Missouri
3. Nebraska
4. Oklahoma
5. Iowa

One Example: State Law on Lobbying - Iowa

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- Iowa Code Chapter 68B:
- **68B.2 Definitions.**
- As used in this chapter, unless the context otherwise requires:
 - b. "Lobbyist" does not mean:
 - (6) Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency with which the official's or employee's agency is involved in a collaborative project.
- **In other words...**

State Employees Can't Lobby

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- **Yet I've heard from many in Iowa (and some from other states) upset that state employees (i.e. Carol, myself when I was at IDPH, etc.) don't lobby harder for PG prevention/treatment funding...**
- **Laws in other states:**

State Law on Lobbying - Kansas

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- **Carol:**
- **I cannot advocate or even talk to Legislators in my current role. Our PG Coalition can only do minimal advocacy because they are supported by state funds**

State Law on Lobbying - Missouri

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105.300 R.S.Mo

- (2) "Employee", elective or appointive officers and employees of the state, including members of the general assembly, and elective or appointive officers and employees of any political subdivision of the state, including county officers remunerated wholly by fees from sources other than county funds, or any instrumentality of either the state or such political subdivisions; and employees of a group of two or more political subdivisions of the state organized to perform common functions or services;

State Law on Lobbying - Nebraska

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R. R. S. Neb. § 49-1437. (Official in the legislative branch, defined.)

- Official in the legislative branch shall mean a member or member-elect of the Legislature, a member of an official body established by and responsible to the Legislature, or employee thereof other than an individual employed by the state in a clerical or nonpolicymaking capacity.

R.R.S. Neb. § 49-1443 (Law)

- Public official, defined
- Public official shall mean an official in the executive branch, an official in the legislative branch, or an elected or appointed official in the judicial branch of the state government or a political subdivision thereof; any elected or appointed member of a school board; and an elected or appointed member of a governing body of a state institution of higher education.

State Law on Lobbying - Oklahoma

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51 Okl. St. § 304 (officers)

- Definitions
- 24. "Public employee" means any person who is employed by and receives compensation from any governmental entity, but shall not mean independent contractors or public officials;
- 25. "Public official" means an elected or appointed official in the executive or legislative branch of a political subdivision of the state;

When May State Employees “Educate?”

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Education is limited but not considered to be lobbying in Iowa.

Briefly:

1. From my experience
2. Exceptions?

If State Employees Can't Lobby – Who Can?

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If State Employees Can't Lobby – Who Can?

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- You can
- Your Coalition/Alliance/Council can – IF they don't receive state funds
- Am I missing anything?

Positive Ways to Get Your Legislature's Attention

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- **Suggestions?**

Positive Ways to Get Your Legislature's Attention

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- **Support your coalition** if you have one and if it can lobby
- **Create an independent coalition** if you don't have one
- **Visit with legislators** – between sessions and during sessions
- Set up positive events for legislators: Such as **March 23 from Wiley's Facebook - OAPCG hosting coffee chat for legislators**

Avoid Conflicts of Interest While Lobbying

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Even a **PERVEIVED** conflict of interest may hurt your cause. Remember:

1. State employees can't lobby
2. Coalitions that receive state funding can't lobby
3. What else might look bad?

Avoid Conflicts of Interest While Lobbying

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What else might look bad?

1. Avoid situations where many of those lobbying work for programs that receive state funding
2. Other?

Iowa & Missouri – No Coalition Currently

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- **Who might you ask to join a State Coalition – specifically looking for folks who won't create the appearance of a conflict of interest?**
- **Audience?**

Iowa & Missouri – No Coalition Currently

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- Who might you ask to join a State Coalition – specifically looking for folks who won't create the appearance of a conflict of interest?
- Bob's thoughts, with input from Jerry & Wiley:
 - A recovering person or two, a minister, a community leader (i.e. city or county govt.), an attorney, a gaming industry rep. a lottery industry rep, one program person on the prevention side, one program person on the treatment side, others? Try to find people for whom PG services are a **passion!**
 - Avoid creating an anti- or pro-gaming/lottery coalition
 - Avoid a coalition made up of program people – Iowa example

Iowa & Missouri – No Coalition Currently

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- **More on State Coalition creation:**
 1. Avoid creating an anti- or pro-gaming/lottery coalition
 2. Avoid a coalition made up of program people – Iowa example
 3. Set goals and bylaws
 4. National Council on Problem Gambling (NCPG) can be very helpful. There is a cost for recognized annual membership as an Affiliate of NCPG (Jerry or Wiley – current cost?)

Work from strengths to avoid budget cuts

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- **Work from strengths to avoid budget cuts in tight economic times for states**
- **And avoid budget raiding by other entities.**

Work from strengths to avoid budget cuts

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Some Iowa Examples (there are certainly others):

- **Strength:** UNI Follow-up studies showing patient success
- **Turn Weaknesses into Strengths re:** Criticism of high cost per prevention & treatment unit. I've been frustrated that programs don't educate legislators re:
 - 1) Cost of travel sending prevention & TX staff several counties away;

Continued

Work from strengths to avoid budget cuts

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- **Turn Weaknesses into Strengths**
- 2) Most counties don't have enough clients for cost effective group counseling;
- 3) Very few GA meetings so treatment lasts longer (5-17-17 on-line search showed a total of only 18 GA meetings in Iowa);
- 4) Funding is needed to advertise and run Helplines because there are no OWI, alcohol or drug-related criminal system to send large numbers of problem gamblers to treatment.

Work from strengths to avoid budget cuts

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- **Ideas on how to work from strengths:**

1. Missouri
2. Nebraska
3. Oklahoma
4. Iowa - Pass
5. Kansas

Work from strengths to avoid budget cuts

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- **What other state entities have raided PG funds in the past? How might you avoid this?**
 1. Nebraska
 2. Oklahoma
 3. Iowa
 4. Kansas
 5. Missouri

Wrap Up

- What have we missed?
- Next steps?

What We Covered re: PG Funding & Politics

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- 1. Identify who can & can't lobby and how to avoid conflicts of interest.**
- 2. Identify strengths, especially State Affiliates, that can be used to maximize the positive impact of lobbying for problem gambling.**
- 3. Work from strengths to avoid budget cuts in tight economic times for states and to avoid budget raiding by other entities.**

Final Questions?

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Bob Kerksieck, LMSW, ACADC

Retired Health Facilities Surveyor

Was at Iowa Department of Public Health 2006-2016

E-Mail: dinahandbob@hotmail.com

Facebook (to see bird & flower pix): dinahandbob