

Internal Operations Manual

SUBJECT: Working with the Legislature

NUMBER: 107-05-020

DIVISION: Director's Office

EFFECTIVE DATE: 2/1/99

APPROVED:



**POLICY/
PURPOSE:**

This policy sets guidelines on working with the Legislature. All DAS staff involved in lobbying will follow reporting requirements.

AUTHORITY:

ORS 171.740 to 171.762 and ORS 171.992
OAR Chapter 199 Division 10
Executive Order 98-1
Attorney General Opinion No. 8259
Guide to Lobbying in Oregon, Government Standards and Practices Commission(GSPC)
Guidelines for Working with the Legislature, Department of Administrative Services

APPLICABILITY:

All DAS employees.

ATTACHMENTS:

Request to Register Public Official as Lobbyist, Department of Administrative Services
Agency Lobbying Activity Record (example)

The following GSPC documents can be requested at (503) 378-5105

- GSPC Lobbyist Registration Statement
- GSPC Lobbyist Expenditure Report
- GSPC Annual Employer Expenditure Report
- GSPC Lobbyist Termination

GUIDELINES:

- I. All people representing DAS in the legislative process shall act in a professional manner. They shall:
- Adhere to the highest standards of public service.
 - Discharge their duties in keeping with the public trust and that of the Governor and DAS.
 - Maintain the highest integrity at all times, acting for the Governor and DAS, not themselves.
 - Be respectful, clear, and honest in all communications.
 - Present all knowledge fairly and completely.
 - Respond to inquiries without delay.

All people lobbying for DAS shall know and follow the laws and rules for working with the legislature including:

- Guide to Lobbying in Oregon, Oregon Government Standards and Practices Commission, GSPC
- Attorney General Opinion No. 8259 (August 1998)
- Guidelines for Working with the Legislature, Department of Administrative Services
- Department of Administrative Services Procedures for Registration and Reporting

DAS board and commission members are responsible for their compliance with lobbying laws and rules. They shall work with the Division Legislative Coordinator to ensure they meet the reporting requirements.

Department staff shall not lobby without consent. Legislative requests to meet, testify, or provide material about issues or bills should be promptly reported to the employee's manager or the Coordinator.

Supervisors and managers are responsible for tracking staff lobbying activities and their own. Managers will ensure that staff not registered as lobbyists do not exceed the registration exemptions. They must also ensure reporting requirements are met for themselves as well as staff.

DAS will not reimburse staff for lobbying expenses related to food and drink, or entertainment. Nor will DAS pay these expenses directly. The use of personal funds for this purpose is discouraged. The registered lobbyist must report any personal funds spent on lobbying.

DAS will pay for approved lobbying office expenses including printing, postage, and telephone.

The Director must approve the hiring of outside lobbyists.

You must meet state contracting requirements when using an outside firm for any activities. The outside firm must ensure that it does not have a conflict of interest between DAS's mission and any other clients.

Agency funds may be used to pay for non-lobbying activities that:

- Promote active public interest in agency programs or efforts.
- Conduct public outreach to help the success of agency programs.
- Educate or inform the public about agency programs.

II. Registration Requirements:

Lobbying activities will be limited to the number of employees and board members needed to represent the Governor and the Department. Lobbyists must register with the GSPC. The Director must approve requests to register as a lobbyist before doing so.

Individuals should register as a lobbyist in advance, if they do not expect to meet the following registration exemptions.

Registration exemptions (ORS 171.745):

1. Any state official who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies. If the individual testifies, the records of the meeting must reflect their appearance.
2. A person who spends not more than 24 hours during any calendar quarter lobbying, excluding travel time, and who does not spend an amount in excess of \$100 lobbying during any calendar quarter excluding the cost of personal travel, meals and lodging.

The \$100 limit includes only out-of-pocket expenses paid for by the individual with personal funds and not reimbursed by DAS.

Note:

Exemption #1 above will not apply if a state official:

- Speaks privately with a legislator on a single occasion to express reasons why a particular bill is a good or bad idea.
- Asks other persons to support or oppose a legislative measure.
- Engages in any lobbying activity other than formal, registered appearances at public sessions of legislative committees.

In this case, all time spent by the public official "for the purpose of lobbying" will need to be counted. This includes time spent for prior formal appearances that the employee registered in committee or agency records. If this total time exceeds 24-hours in the calendar quarter, the public official must register.

All other agency staff should register only when they realize they will not meet the exemption criteria in a calendar quarter.

Individuals should cancel their registered status with GSPC when not needed, e.g. at the end of a session.

III. Reporting Requirements:

A. Individual Registered Lobbyist Expenditure Reports

- Each lobbyist must submit a periodic report to the GSPC that states the amount of personal funds spent lobbying. The report must be filed even if the total expense is \$0.
- Amounts reimbursed by DAS are not included in the individual report. (See policy regarding allowable expenditures) The cost of time spent lobbying is not included in this report.
- The report must show each time more than \$62 was spent on a legislative official. This amount is changed periodically by the GSPC.
- During even-numbered years, GSPC Lobbyist Expenditure Reports are due by January 31 and July 31 for the previous two calendar quarters.
- During odd-numbered years GSPC reports are due by January 31, April 30, and July 31 for the preceding calendar quarter or quarters.
- Each lobbyist must provide a copy of his or her GSPC report to the DAS Legislative Coordinator.
- Time spent lobbying must be reported to the Coordinator. The report is due within 15 days of the end of the calendar quarter for inclusion the Employer Expenditure Report.

B. Individual Expenditure Reports - Not Registered As Lobbyists

The following information must be reported to the DAS Legislative Coordinator within 15 days after the end of a calendar quarter for inclusion the Employer Expenditure Report:

1. The amount of time spent lobbying.
2. The amount of DAS paid lobbying expenses.

C. Annual Employer (Agency) Expenditure Reports

- An annual report is required if DAS has any registered lobbyists.
- If required, the report must include agency expenditures for all lobbying activities; including those of any exempt DAS personnel, board, or commission members. Expenses in the individual lobbyist report are not included.
- The report is due by January 31 for the preceding calendar year.
- The Annual Employer Report to the GSPC will include the following:

1. Cost of personnel expenses related to lobbying.

(a) Time registered lobbyists spend lobbying including other payroll expense (OPE). A good faith estimate of the time spent weekly or monthly is acceptable. *Example:*

Agency director, a registered lobbyist, spends three hours per week meeting with legislators during the six-month legislative session advocating for the agency's legislative program and budget.

Calculation of cost:

Director's Monthly Salary + OPE / 173 hrs in a month = hourly rate
3 hrs per week x 24 weeks x hourly rate = value of lobbying time

(b) Time DAS staff, exempt from GSPC registration requirements, spend lobbying including OPE. *Example:*

Program Manager, not a registered lobbyist, spends a total of two hours at four stakeholder meetings explaining the benefits of an initiative and asking stakeholders to contact their legislator for support. Program Manager spends eight more hours listening to reactions and answering questions.

Calculation of cost:

Program Manager's Monthly Salary + OPE / 173 hrs in a month = hourly rate
2 hrs lobbying x hourly rate = value of lobbying time

2. Agency expenses included in individual reports from DAS unregistered staff, board, or commission members who lobby.

3. Cost of consultants contracted and registered to lobby on behalf of DAS.
 4. Estimated or actual cost of office expenses related to lobbying. *Examples:*
 - (a) Pages of testimony entered into the record or left with a legislator, legislative staff member, or stakeholder. *Examples:*
 - 20 copies of a one-page statement in support/opposition; $20 \times \$0.05 = \1.00
 - 6 copies of a 100 page budget presentation to Ways & Means subcommittee; $6 \times 100 \times \$0.05 = \30
 - 50 copies of a five-page agency position paper delivered to a stakeholder group; $50 \times 5 \times \$0.05 = \12.50
 - (b) Pictures prepared for committee presentation.
 - (c) Video tapes.
 - (d) Postage or other freight expense required to deliver testimony to the committee.
- The Annual Employer Report to the GSPC will not include the following:
 1. Cost of items used to provide information about DAS and its programs. *Examples:*
 - Materials and testimony giving information about the effect of a bill on DAS when no position is taken.
 - Time spent by staff preparing statements and materials, whether or not a position is taken.
 - Time spent preparing the budget or preparing the budget presentation.
 2. Cost of personnel time related to activities not included in the definition of lobbying. *Examples:*
 - Time spent waiting to lobby a committee or individual.
 - Time spent providing information about the effects of a bill when no position is taken.
 - Time spent on legislative proposals or budgets.

PROCEDURES:

MONITORING LOBBYING ACTIVITIES

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
I.	Administrators, Managers, Supervisors & Division Legislative Coordinators	Monitors lobbying activities within Division.
II.	All DAS Staff	Notifies manager, supervisor, or Coordinator of any request to meet, testify, or provide material about an issue or bill to a legislator or staff.
III.	Administrators, Managers, Supervisors	Reassigns duties or notifies DAS Legislative Coordinator of need to register staff approaching 24 hours of lobbyist activities within a calendar quarter.

PROCEDURES:**LOBBYIST REGISTRATION & TERMINATION**

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
I.	DAS Legislative Coordinator	Works with Division Administrators to identify staff to be registered as lobbyists in advance.
II.	Designated DAS Lobbyist	Completes <i>Request for State Official to Register as Lobbyist (DAS) and Lobbyist Registration Statement (GSPC)</i> . Forwards to DAS Legislative Coordinator.
III.	DAS Legislative Coordinator	Gains Director's approval and sends to GSPC.
IV.	DAS Legislative Coordinator	Tells lobbyists when registrations expire.
V.	Designated DAS Lobbyist	Completes GSPC Lobbyist Termination form when lobbying is done. Submits form to GSPC with copy to DAS Legislative Coordinator.

PROCEDURES:**QUARTERLY EXPENDITURE REPORTING**

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
I.	Registered DAS Lobbyists	Completes <i>Lobbyist Expenditure Report</i> received from GSPC. Sends copy to Coordinator.
II.	Division Legislative Coordinator	Forwards copy of each <i>Individual Lobbyist Expenditure Report</i> to DAS Legislative Coordinator.
III.	Division Legislative Coordinator	Within 10 days after the end of each calendar quarter, requests time and other costs estimated for lobbying activities from all Division employees.
IV.	Division Legislative Coordinator	Calculates cost of reported lobbying time. (Convert time to dollars.)
V.	Division Legislative Coordinator	Prepares <i>Lobbying Activity Record</i> for the Division and sends to DAS Legislative Coordinator within 20 days after the end of each calendar quarter.
VI.	DAS Legislative Coordinator	Summarizes Department lobbying costs from Division reports and completes GSPC <i>Annual Employer Expenditure Report</i> before January 31.

Department of Administrative Services
Request for State Official to Register as Lobbyist
*(Must be attached to registration form submitted to
Oregon Government Standards and Practices Commission)*

Individual Name: _____ Phone: _____

Title: _____ FAX: _____

Agency Name: _____ Agency #: _____

Mailing Address: _____

Internet Address (like John.D.Smith@state.or.us) _____

I have read and understand the laws and rules that apply to lobbying including the "Guide to Lobbying in Oregon" published by the Oregon Government Standards and Practices Commission, Attorney General Opinion No. 8259 (August 1998) and the Guidelines for Working with the Legislature published by the Department of Administrative Services in August 1998. I intend to follow these laws and rules.

I believe that my actual time spent lobbying as defined in the aforementioned laws and attorney general opinion will meet the 24-hour quarterly threshold.

Signature of Proposed Lobbyist

APPROVED BY AGENCY:

Signature of Agency Head

APPROVED BY DEPARTMENT OF ADMINISTRATIVE SERVICES:

Signature of Director or Deputy

