

## Policy

<b>Policy Title:</b>	Working with the Legislature				
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DHS Director or Deputy Director

10/01/2003

Approved By: *(Authorized Signer Name)*

Date Approved

## Overview

### Purpose/Rationale:

The purpose of this policy is to ensure that DHS employees comply with the Department of Administrative Services (DAS) guidelines, Attorney General (AG) opinions and state law governing lobbying by public employees.

## Policy

### 1. General

- a. All people representing the Department of Human Services (DHS) in the legislative process shall perform professionally. They shall adhere to the highest principles of public service. They shall discharge their duties in keeping with the public trust and that of the governor and the agency. They shall:
  - A. Maintain the highest integrity at all times, acting for the agency and the governor, not themselves.
  - B. Be respectful, clear and honest in all communications.
  - C. Present all information fairly and completely.
  - D. Respond to inquiries without delay.
- b. All people representing DHS in the legislative process shall know and follow the laws and rules for working with the legislature including:
  - A. Guide to Lobbying in Oregon, Oregon Government Standards and Practices Commission
  - B. Attorney General Opinion No. 8259 (August 1998)
  - C. Guidelines for Working with the Legislature, Department of Administrative Services
  - D. Lobbyist Registration and Termination, DHS, and
  - E. Individual Expenditure Reports, DHS.

- c. Board and commission members are responsible for their individual compliance with lobbying laws and rules. They shall work with the appropriate cluster's legislative coordinator for clarification and coordination of administrative activities to ensure DHS can meet its reporting requirements.
- d. DHS staff shall not engage in lobbying activities without authorization. Any request to meet, testify or provide material about any issues or bills to a legislator or their staff should be immediately reported to the employee's manager or the cluster legislative coordinator.
- e. Managers and supervisors are responsible for monitoring staff lobbying activities in addition to their own. Managers will ensure that individuals not registered as lobbyists do not exceed the registration exemptions as described in II.C.iii of this policy. Managers must also ensure that they and their staff meet reporting requirements as described in II.D of this policy.
- f. DHS will not reimburse individuals for lobbying expenses related to food, refreshments or entertainment. Use of personal funds for this purpose is discouraged. Registered lobbyists must report any personal funds expended for lobbying activities as described in II.D.i of this policy.
- g. DHS will pay for printing, postage, telephone and other office expenses related to authorized lobbying activities for DHS.
- h. Outside firms or consultants will not be hired to lobby the Legislative Assembly without approval of the Director and the Department of Administrative Services.
- i. Agency funds may be used to finance non-lobbying activities to:
  - A. Promote public involvement in agency programs or efforts.
  - B. Conduct public outreach to help the success of agency programs.
  - C. Educate or inform the public about agency programs or initiatives.
- j. When using an outside firm for any activities, state contracting requirements must be followed and steps must be taken to ensure there is no conflict of interest between the agency's mission and the other clients represented by the contracted firm.

## 2. Lobbying

- a. DHS representatives are lobbying when they:
  - A. Talk or write to a legislator or to his or her staff to influence legislative action.  
Examples:
    - i. Testimony favoring or opposing a bill or budget.
    - ii. Proposing amendments to a bill, including technical amendments.
    - iii. A letter, memo, or e-mail favoring or opposing a bill or budget.
    - iv. Formal or casual conversations favoring or opposing a bill or budget.
  - B. Talk or write to a legislator or to his or her staff to promote good will toward the agency or an agency program.

C. Talk or write to others with the intent to ask them to influence legislative action.

Examples:

- i. Meetings where they ask people to support or oppose a bill or budget.
- ii. Letters, memos, e-mails, or newsletters asking people to support or oppose a bill.

b. DHS representatives are not lobbying when they:

- A. Talk or write to a legislator or to his or her staff merely to provide facts. (Facts may include fact estimates and expert opinions of fact.) The facts may apply to any program, budget, bill, or issue.
- B. Do work within the agency to research, write, or otherwise develop a bill or budget.
- C. Research or write testimony supporting or opposing a bill.
- D. Are waiting to present testimony or meet with legislators or staff.
- E. Write or talk to anyone to solicit his or her input on the agency's legislative proposals or budget.
- F. Do support work for an agency's lobbying activities, but not including any direct communication between themselves and legislators or their staff.

### 3. Lobbyist Registration Requirements

- a. Lobbying activities will be limited to the minimum number of employees and board members needed to effectively represent the governor and DHS. DHS' Director and the Department of Administrative Services must approve requests to register as a lobbyist before an individual registers with the Government Standards and Practices Commission (GSPC).
- b. Individuals should terminate registered lobbyist status with GSPC when lobbying activities no longer require registration, e.g. at the end of a legislative session.
- c. Registration Exemptions (ORS 171.745) - Agency representatives should register only when they realize they will not meet either of the following registration exemption criteria in a calendar quarter.
  - A. Any state official who limits lobbying activities solely to formal appearances to give testimony before public sessions of the Legislative Assembly committees or public hearings of state agencies, and who, if the individual testifies, registers an appearance in the records of such committees or agencies. This exemption does not apply in the following circumstances:
    - i. 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; or
    - ii. Asks other persons to support or oppose a legislative measure; or
    - iii. Engages in any other lobbying activity than formal, registered appearances at public session of legislative committees.

- In this case, all time spent by the public official "for the purpose of lobbying" will need to be counted, even 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.
- B. A person who does not spend more than 24 hours during any calendar quarter lobbying and who does not spend an amount in excess of \$100 lobbying during any calendar quarter.
- i. The \$100 limit includes only out-of-pocket expenses the individual pays for with personal funds and not agency reimbursed. The \$100 limit excludes the cost of personal travel, meals and lodging.
  - ii. The department will not reimburse employees for expenses related to food, refreshments or entertainment purchased for legislators or legislative officials.

#### 4. Lobbyist Reporting Requirements:

##### a. Individual Lobbyist Expenditure Reports - Registered Lobbyists

- A. Each registered lobbyist must personally submit periodic reports to the GSPC identifying the amount of expenses incurred from personal funds for the purpose of lobbying. The GSPC will personalize and issue a "Lobbyist Expenditure Report" to registered lobbyists prior to the required filing date. The GSPC's individual Lobbyist Expenditure Report must be filed even if the total expense is \$0.
- B. Amounts DHS reimburses or the cost spent lobbying are not included in the individual report.
- C. The report must show the name of any legislative official to whom or for whose benefit an expenditure of more than \$62 is made on any one occasion. The GSPC periodically adjusts this amount.
- D. During even-numbered years, GSPC Lobbyist Expenditure Reports are due by January 31 and July 31 for the preceding two calendar quarters.
- E. During odd-numbered years GSPC reports are due by January 31, April 30, and July 31 for the preceding calendar quarter or quarters.
- F. The registered lobbyist must provide a copy of their GSPC report to the DHS Legislative and Intergovernmental Relations Manager.
- G. The amount of time incurred to lobby legislators, their staff or stakeholders must be reported to the DHS Legislative and Intergovernmental Relations Manager within 15 days after the end of the calendar quarter for inclusion in the Annual Entity Expenditure Report as described in II.D.ii of this policy.

##### b. Individual Expenditure Reports - Registered and Non-registered Lobbyists

- A. The following information must be reported to the DHS Legislative and Intergovernmental Relations Manager within 15 days after the end of a calendar quarter for inclusion in the Annual Entity Expenditure Report:

- i. The amount of time spent lobbying.
- ii. The cost of time spent lobbying.
- iii. The amount of any lobbying expenses paid for by the agency.

c. Annual Entity Expenditure Reports

- A. An annual report is required if the represented agency has any registered lobbyists.
- B. If required, the report must include agency expenditures for ALL lobbying activities; including those of any exempt personnel, board or commission members. Expenses included in the Individual Expenditure Report are not included.
- C. The report is due by January 31 for the preceding calendar year.
- D. The Annual Entity Expenditure Report to the GSPC will include the following:
  - i. Cost of personnel expenses related to lobbying.
    - . time staff spend actually lobbying including other payroll expense (OPE). A good faith estimate of the time spent weekly or monthly is acceptable. Use the formula below to calculate the lobbying costs:
      - Monthly Salary (including OPE rate) / 173 hrs in a month = hourly rate
      - # hours X hourly rate = cost of lobbying time
    - I. Agency expenses included in individual reports from unregistered staff, board or commission members who engage in lobbying activities on behalf of the agency including any testimony taking a position.
    - II. Cost of consultants contracted and registered to lobby on behalf of the agency, if any.
    - III. Estimated or actual cost of office expenses related to lobbying. Examples:
      - Pages of testimony entered into the record or left with a legislator, legislative staff member or stakeholder. *Note: \$0.05 per side.* Examples:
        - 20 copies of a one-page statement in support/opposition; cost = 20 x \$0.05 = \$1.00
        - 20 copies of a one-page two-sided statement in support/opposition; cost = 20 x 2 x \$0.05 = \$2.00
        - 6 copies of a 100-page budget presentation to Ways & Means subcommittee; cost = 6 x 100 x \$0.05 or \$30

- 50 copies of a five-page agency position paper delivered to a stakeholder group; cost = 50 x 5 x \$0.05 = \$12.50
  - Pictures prepared for committee presentation.
  - Video tapes.
  - Postage or other freight expense required to deliver testimony to the committee.
- E. The Annual Entity Expenditure Report to the GSPC will not include the following:
- i. Cost of items used to provide information about the agency and its programs. Examples:
    - . materials and testimony providing information about the effect of a bill on the agency when no position is taken
    - I. time spent by staff preparing materials and testimony, whether or not a position is taken
    - II. time spent preparing the budget or preparing the budget presentation
  - ii. Cost of personnel time related to activities not included in the definition of lobbying. Examples:
    - . time spent waiting to meet with a committee, legislator, legislative staff member, or stakeholder.
    - I. time spent providing information about the effects of a bill on the department to a committee, legislator, legislative staff member or stakeholder when no position is taken.
    - II. time spent researching, developing or otherwise preparing legislative proposals or budgets.

### **Procedure(s) that apply:**

[DHS-010-002-01, Individual Expenditure Reports Procedure](#)  
[DHS-010-002-02, Lobbyist Registration and Termination Procedure](#)

### **Form(s) that apply:**

[DAS Request to Register as Lobbyist](#)  
[GSPC Individual Lobbyist Registration Statement](#)  
DHS 2020, Cluster Lobby Activity Record - [PDF](#) or [Excel](#)  
DHS 2020A, Individual Lobby Activity Record - [PDF](#) or [Excel](#)  
[GSPC Lobbyist Termination](#)

### **Reference(s):**

[Frequently Asked Questions - Working with the Legislature](#)

[ORS 171.740 to 171.762 and ORS 171.992](#)

[OAR Chapter 199 Division 10](#)

[Attorney General Opinion No. 8259](#)

[Government Standards and Practices](#) (lobbyist registration form, example of lobbying activity record, annual entity expenditure report, lobbyist termination)

[Guidelines for Working with the Legislature, Department of Administrative Services](#)

[General DAS Legislative Information](#)

### **Definition(s):**

**Lobbying:** ORS 171.725(9): influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of legislative officials.

Also see Common Terms for all Department-wide Support Services policies.

### **Reference(s):**

None

### **Contact(s):**

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### **Policy History:**

- **Version 1.0:**  
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### **Keywords:**

(List keywords here that might be used by someone to search for this policy on the internet)