

State Agency Legislative Contacts

Table of Contents

State Agency Legislative Guidelines	2 - 8
Agency Listing	9 - 15
Individual Listing	16 - 52

GOVERNOR'S EXECUTIVE ORDER
NO. EO 98 - 1

LEGISLATIVE PROTOCOL FOR STATE AGENCY
PERSONNEL

WHEREAS, the Governor of the State of Oregon is constitutionally required to propose the biannual state budget and is authorized to develop and introduce legislation; and

WHEREAS, the Governor of the State of Oregon authorizes Executive Branch agencies to recommend legislative concepts and budget proposals; and

WHEREAS, Executive Branch agencies are charged with implementing legislation adopted by the Oregon Legislative Assembly and signed by the Governor; and

WHEREAS, representatives of Executive Branch agencies often have a great deal of experience and expertise on matters relating to pending legislation under consideration by the Legislative Assembly; and

WHEREAS, Executive Branch agencies have a duty to provide clear, accurate, complete and useful information to the Legislative Assembly and the Governor about the potential effects of proposed statutory or constitutional changes on state policy.

THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

The Department of Administrative Services, in conjunction with representatives from other Executive Branch agencies, shall develop and implement the following prior to the 1999 Legislative Assembly:

- a) A written code of conduct for agency personnel designated as legislative liaisons and for those agency personnel who are not designated legislative liaisons but may be called upon to interact with the Legislative Assembly; and
- b) Appropriate training opportunities for state personnel who interact with the Legislative Assembly; and
- c) An internal Executive Branch process by which complaints or concerns about the conduct of state agency personnel at the Legislative Assembly may be resolved; and

- d) A clear policy regarding when and how Executive Branch agencies may hire outside lobbyists for the purpose of communicating with or lobbying the Legislative Assembly; and
- e) A clear policy regarding who may register as lobbyists and represent Executive Branch agencies before the Legislative Assembly or individual members; and
- f) A clear policy addressing the expenditure of agency or outside funds for lobbying purposes by state employees or outside lobbyists; and
- g) An appropriate roster with photos of those persons registered and authorized to represent Executive Branch agencies before the Legislative Assembly; and
- h) A plan to participate in appropriate information sessions for new legislators at the start of each session to inform them of Executive Branch policies regarding agency lobbying.

Done at Salem, Oregon, this 7 day of January, 1998.

John A. Kitzhaber, M.D.
GOVERNOR

ATTEST:

Phil Keisling
SECRETARY OF STATE

Department of Administrative Services Guidelines for Working with the Legislature

Statement of duties for representatives of all agencies in the Executive Branch of state government:

All board and commission members and state employees involved 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 governor and their agency. Those duties include:

- To maintain the highest integrity at all times, acting for their agency and the governor; not themselves.
- To be respectful, clear and honest in all communications.
- To present all information fairly and completely.
- To respond to inquiries without delay.

Those who lobby bear this further duty:

It shall be each lobbyist's duty to know and follow the laws and rules that apply to lobbying. Please see the Government Standards and Practices Commission's "Guide to Lobbying in Oregon" and Attorney General Opinion No. 8259.

What is Lobbying

You are lobbying when you:

Talk or write to a legislator or to his or her staff to influence legislative action. This includes:

- Testimony favoring or opposing a bill or budget.
- Proposing amendments to a bill, including technical amendments.
- A letter, memo, or e-mail favoring or opposing a bill or budget.
- Formal or casual conversations favoring or opposing a bill or budget.
- Talk or write to a legislator or to his or her staff to promote good will toward an agency or program.

Talk or write to others with the intent to ask them to influence legislative action. This includes:

- Meetings where you ask people to support or oppose a bill or budget.

- Letters, memos, e-mails, or newsletters asking people to support or oppose a bill.

You are not lobbying when you:

- 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.
- Do work within your agency to research, write, or otherwise develop a bill or budget.
- Research or write testimony supporting or opposing a bill.
- Are waiting to present testimony or meet with legislators or staff.
- Write or talk to anyone to solicit their input on an agency's legislative proposals or budget.
- Do support work for an agency's lobbying activities, but do not communicate, yourself, with legislators or their staff.

Who Should Lobby

Agencies should limit lobbying activities to the minimum number of employees and board and commission members needed to effectively represent the governor and agency. In most cases, the agency head and one liaison will suffice.

Board and commission members and staff should register only if they meet the threshold of 24 hours per quarter of actual time spent lobbying. See ORS 171.735.

Before registering anyone, agencies must supply the Department of Administrative Services with a roster of those proposed to be registered.

Behavior

Guidelines for *all* who work with the legislature.

- Be flexible and patient. Legislative schedules are always subject to change.
- Remember you represent the governor. Act accordingly at all times.
- Treat all members of the public and their representatives with respect at all times. Do this even when you or your agency disagree with them.

- Avoid being in the Capitol except when you are directed to be there by your agency head, his or her legislative liaison, a legislator, or legislative staff. Use TV or audio coverage whenever possible.
- Avoid discussing sensitive issues or agency positions on legislation in public settings where conversations may be overheard.

INTERACTING WITH LEGISLATORS

Guidelines for all who work with the legislature.

- In the Capitol, always acknowledge members with their formal title, no matter how well you know them.
- Promptly report to a supervisor any conflicts or unusual events involving legislators or their staff. When unsure how important something is, opt to report it.
- Never interrupt a conversation involving a legislator.

If you represent yourself or any outside interests before the legislature, you must:

- First, disclose to your supervisor that you intend to do so. It may preclude your official work with the legislature.
- Do so only on your own time.
- Make clear to legislators and staff that you are not acting in your official capacity.

Agency representatives may not be at the side aisles of the main floor of either legislative chamber if the main doors are closed. Also, please stay out of the halls behind the chambers during sessions unless your business is in offices that can only be reached through those halls or a member asks you to be there.

- Do not communicate by signal, note, or any method from the balcony of a legislative chamber to anyone on the floor of the chamber.
- Never enter the Senate or House member lounges.
- Always abide by the rules of the House and Senate.

Added guideline for those who do not lobby.

Any request to meet, testify, or provide material about any issue or bill to a legislator or staff should be reported at once to your agency head or legislative liaison.

TESTIFYING BEFORE LEGISLATIVE COMMITTEES

Guidelines for all who work with the legislature.

State personnel are to support or assist bills and budgets proposed by the governor or by any state agency with the governor's approval. If you are ever unwilling to do so, you must withdraw from the legislative process and resolve your concerns with your agency head or the governor's staff.

Always follow protocol:

- Address the chair formally.
- Do not speak unless recognized by the chair.
- Respond to questions through the chair.
- Do not get caught up in disputes between members.
- Never be in the audience unnecessarily. While there, do not talk or disrupt the meeting, even if others do so.

Learn to recognize rhetorical questions and do not try to answer them.

Answer briefly, simply using yes or no when practical.

- Never read your testimony. Summarize it in accord with the circumstances. The most effective testimony is given with conviction, confidence, and appropriate good humor.
- If you do not know the answer to a question, say so. Do not guess. Tell the chair you will be pleased to get the answer to him or her promptly.

Added guidelines for those who lobby.

- If you have a concern about a proposal or position, resolve it with the affected agency or the governor's staff as soon as possible. Do not raise it in a hearing.
- Avoid taking a position on a bill introduced by a member or a committee until you know the position, if any, that the governor may have toward it.
- Avoid taking a position on a bill introduced by a member or a committee until you contact any affected agencies to learn and resolve any issues. Seek a unified response.
- Don't agree to compromises unless you know the governor and your agency head will approve. Tell the chair that you will verify approval and promptly respond. This may not please a committee, but is far better than having to renege on an agreement.

- Don't surprise the chair, staff, or another agency. If the position is changing that was held by an agency or the governor or amendments are being proposed, let key people know before the public meeting.

Added guidelines for those who do not lobby.

- Your primary role is to provide accurate and objective facts bearing on a bill.
- Do not express a position on a bill except in formal testimony that is approved by your agency head or governing board.
- Leave advocacy, negotiations or compromises to your agency head, the governor's staff, or your agency's lobbyist. Do not agree to the compromise or amendment of a bill.
- Data about fiscal or program impact of a bill should be reviewed and approved by your agency head or appropriate agency staff.

Paying for Lobbying Activities

Guidelines for all who work with the legislature.

- State agencies may not expend funds to hire outside firms or consultants to lobby the Legislative Assembly, with the following exception.
- Fee supported agencies that do not have any other registered lobbyist may hire an outside lobbyist. They must first show the Director of the Department of Administrative Services that this is more cost-effective than using agency staff.

Agencies may use appropriate public funds to:

- Promote public involvement in their programs or efforts.
- Conduct other public outreach to help the success of state programs.
- Educate or inform the public about their programs or initiatives.

Agencies using outside firms must insure that there is not a conflict of interest between the agency's mission and other clients represented by the firm.

State agencies may not reimburse any state employee for expenses related to entertaining members of the Legislative Assembly. Employees are advised to avoid as much as possible spending personal funds for any purpose that may be construed as lobbying. Any personal funds spent on lobbying are subject to reporting to the Government Standards & Practices Commission.

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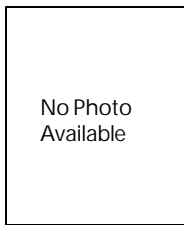
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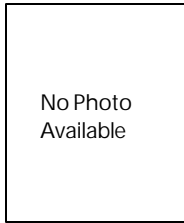
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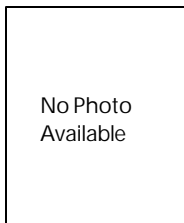
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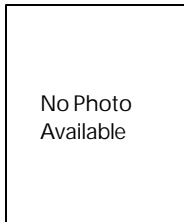
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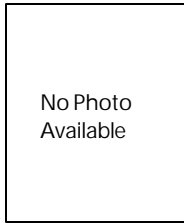
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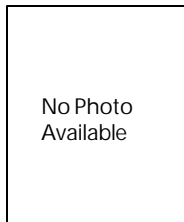
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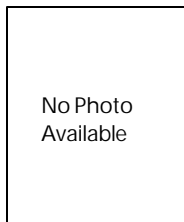
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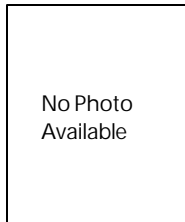
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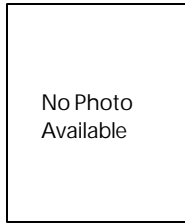
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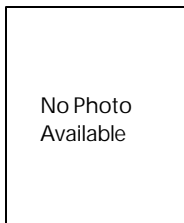
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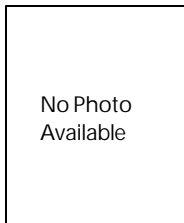
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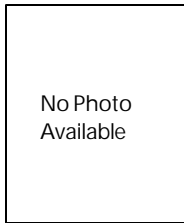
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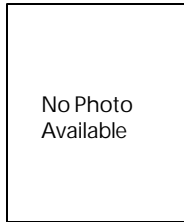
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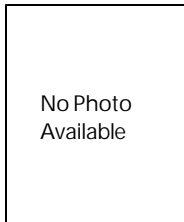
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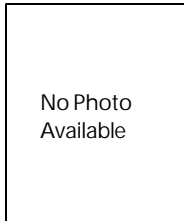
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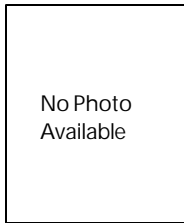
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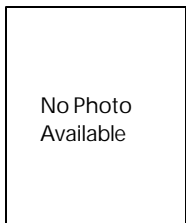
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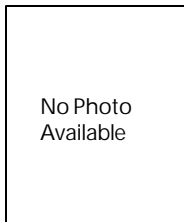
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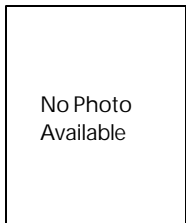
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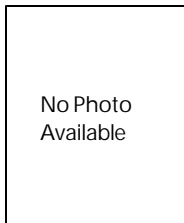
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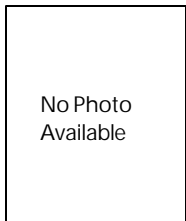
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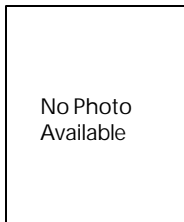
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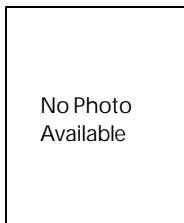
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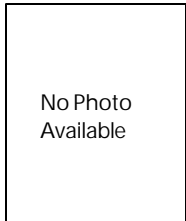
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