

House Bill 3180

Sponsored by Representative THATCHER; Representative WINGARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits officer or employee of state agency from engaging in lobbying and certain other activities on behalf of any state agency. Prohibits officers or employees from attending legislative hearings or floor sessions of Legislative Assembly. Specifies exceptions.

Refers Act to people for their approval or rejection at special election held on same date as next primary election.

A BILL FOR AN ACT

1
2 Relating to state agencies; and providing that this Act shall be referred to the people for their ap-
3 proval or rejection.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this Act are added to and made a part of ORS 171.740 to**
6 **171.762.**

7 **SECTION 2. (1) Except as provided in subsection (3) of this section and section 3 of this**
8 **2009 Act, an officer or employee of a state agency may not:**

9 (a) Engage in lobbying on behalf of any state agency;

10 (b) Submit proposed legislation to any legislative official;

11 (c) Discuss proposed legislation with any legislative official; or

12 (d) Attend legislative hearings or floor sessions of the Legislative Assembly.

13 (2) A state agency may not expend public funds to employ a person to engage in lobbying
14 or for the purpose of contracting with any other person to engage in lobbying on behalf of
15 any state agency.

16 (3) An officer or employee of a state agency may provide testimony to a legislative com-
17 mittee if the testimony is requested by any member of the committee.

18 (4) For the purposes of this section, "state agency" means any board, commission, de-
19 partment, division or institution in the executive or administrative branch of state govern-
20 ment.

21 **SECTION 3. (1) Section 2 of this 2009 Act does not affect the ability of an officer or em-**
22 **ployee of a state agency to engage in the activities described in section 2 (1) of this 2009 Act**
23 **as an individual and not as a representative of the state agency. An officer or employee of**
24 **a state agency may engage in the activities described in section 2 (1) of this 2009 Act pur-**
25 **suant to the provisions of this subsection only during vacation time of the officer or em-**
26 **ployee or during nonworking hours.**

27 (2) Section 2 of this 2009 Act does not affect the ability of an officer or employee of a
28 state agency to engage in discussions with any staff person, assistant or employee of the
29 Legislative Assembly for the purpose of developing state agency budgets.

30 (3) Section 2 of this 2009 Act does not affect the ability of an officer or employee of a

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 state agency to engage in discussions with a legislator or with any staff person, assistant
 2 or employee of the Legislative Assembly about proposed legislation or other matters if the
 3 legislator, staff person, assistant or employee initiates the contact with the officer or em-
 4 ployee of the state agency.

5 (4) Section 2 of this 2009 Act does not affect the ability of any assistant attorney general
 6 to furnish legal advice to any employee, member or committee of the Legislative Assembly
 7 as long as the assistant attorney general does not advocate the passage or defeat of any
 8 legislative measure.

9 (5) Section 2 of this 2009 Act does not apply to:

10 (a) Any legislative officer or employee;

11 (b) Any judicial officer or employee;

12 (c) The Governor;

13 (d) The Executive Assistant to the Governor;

14 (e) The Secretary of State;

15 (f) The Deputy Secretary of State appointed pursuant to ORS 177.040;

16 (g) The State Treasurer;

17 (h) The Chief Deputy State Treasurer appointed pursuant to ORS 178.060;

18 (i) The Attorney General;

19 (j) The Deputy Attorney General appointed pursuant to ORS 180.130;

20 (k) The Superintendent of Public Instruction;

21 (L) The Commissioner of the Bureau of Labor and Industries;

22 (m) Any administrator, director or other chief executive officer of a state agency, and
 23 one individual designated by the administrator, director or other chief executive officer of a
 24 state agency; and

25 (n) Any state officer who serves without compensation, or whose compensation is limited
 26 to those amounts provided for under ORS 292.495.

27 (6) The name of the individual who shall act as the designee of an administrator, director
 28 or other chief executive officer of a state agency under subsection (5)(m) of this section must
 29 be supplied to the presiding officers of the Legislative Assembly before the commencement
 30 of each legislative session. An administrator, director or other chief executive officer may
 31 subsequently designate another individual to replace any individual who no longer is able to
 32 act on behalf of the state agency by reason of a change in employment or job function or
 33 other reason. The name of the individual so designated shall be supplied to the presiding of-
 34 ficers of the Legislative Assembly at the time the replacement is made. Not more than two
 35 replacements may be made under the provisions of this subsection during a legislative ses-
 36 sion.

37 (7) For the purposes of this section, "state agency" has the meaning given that term in
 38 section 2 of this 2009 Act.

39 **SECTION 4.** This 2009 Act shall be submitted to the people for their approval or rejection
 40 at a special election held throughout this state on the same date as the next primary
 41 election.