

To: Agency Directors

From: Curtis Robinhold, Governor's Chief of Staff

Below you will find guidelines for when agencies are asked to express positions about legislation pending during the current legislative session. Please contact Brian Shipley at 503-378-6548 or brian.shipley@state.or.us, the Governor's Legislative Director, if you have any questions or would like clarification of this policy.

Direction to Agencies on Expressing Positions on Pending Legislation
February 7, 2011

- **Pre-Session-Filed Agency Bills:** Agencies should pursue their pre-session-filed bills unless clearly inconsistent with the Governor's current budget recommendations to the legislature or directed to withdraw support for a bill by the Governor's Legislative Director or their assigned Policy Advisor. The Governor's Policy Advisors are working their way through the bills now. Nonetheless, agencies should proactively flag any potentially controversial bills among their own pre-session-filed bills for both the Governor's Legislative Director and their Policy Advisor.
- **Agency Positions on Other Legislation:** There should be no surprises to the Governor's Office on the input agencies provide in formal committee testimony or otherwise regarding pending legislation. As such, even if expressing a "neutral" position and providing factual information, agencies must provide a heads up to the Governor's Legislative Director and assigned Policy Advisor in advance. Agencies must obtain authorization from the Governor's Legislative Director or their assigned Policy Advisor before supporting or opposing bills, whether at their own initiation or when asked for input from stakeholders or legislators. Agencies will be given authorization to support or oppose bills on a not-too-frequent case-by-case basis after consultation between the Governor's Legislative Director and Policy Advisors when:
 - The position is important to the mission of the agency;
 - The position is consistent with the Governor's current budget recommendations to the legislature and the Governor's legislative agenda generally;
 - The position will not create excessive controversy that could distract from the Governor's higher-level agenda and message;
 - Any other agencies affected by the legislation have been consulted so that the Executive Branch's position is coordinated; and
 - The agency understands that such authorization represents general Governor's Office support for the position the agency is taking, but that the Governor reserves the right to review the bill in its final form if and when it gets to him for signature.
- **Conflicts among Agencies about Legislation:** Conflicts among agencies in expressing a position on bills should be resolved directly among the affected agencies first. When agencies foresee potential interagency conflicts on bills or potential amendments to bills, they should immediately raise them with fellow agencies to initiate collaboration. Agencies should elevate such discussions to the Governor's Legislative Director and assigned Policy Advisor(s) for guidance if needed, but at no point should agencies present conflicting formal testimony in committee.