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C F S Oregon Community Food Systems Network
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How to work on state legislation legally and effectively

Ivan Maluski, Nellie McAdams, Megan Kemple

OCFSN Policy Committee

November 14, 2018

OCFSN and Public Policy

- **Our Vision:** All Oregonians thrive with healthy, affordable foods from an environmentally and economically resilient regional food system.
- **Supportive public policy** is essential to achieving our vision.
- **The OCFSN Policy Committee** creates space and opportunity to inform, educate, learn from, respectfully challenge, and build common cause across our wide diversity of interests within the food system.
- **Resources:** ocfsn.net/policy-committee/
- [Google Form](#): to tell us which bills you're tracking

Speakers and Outline



Ivan Maluski
Policy Director
Friends of Family Farmers



Nellie McAdams
Director
Farm Preservation Program
Rogue Farm Corps



Megan Kemple
Director
Oregon Farm to School &
School Garden Network

Outline

- Legal rules for nonprofit organizations
- Tips, strategies, best practices for advocacy and lobbying at the Oregon Legislature
- Q&A along the way and at the end

From the IRS

- Defines lobbying as attempting to influence legislation. “A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.”
- “Legislation includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.”
- “An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.”
- “Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.”

Substantial Part Test

“No substantial part of a charity’s activities” can be used to attempting to influence legislation. Lobbying must be an “insubstantial” part of a non-profit’s overall activities, but the IRS has provided no absolute guidance on how much lobbying is “substantial.” Tax practitioners generally advise that charities can safely devote 3-5% of their overall activities toward lobbying.

Expenditure Test

Most organizations can engage in more lobbying by electing to measure their lobbying under Section 501(h) of the Internal Revenue Code. This allows more generous lobbying limits than the insubstantial part test, by defining a clear dollar amount that a nonprofit may spend on lobbying, and lobbying limits vary depending on the size of the organization's annual expenditures. Organizations with overall expenditures of \$500,000 or less per year, for example, can spend as much as 20% of their budget on lobbying.

Oregon Government Ethics Commission

- “A person is lobbying if that person influences or attempts to influence legislative action. Lobbying activity can either support or oppose the legislative action and would include verbal and written communication with legislative and executive officials or by soliciting others to support or oppose the legislative action. An effort to gain the goodwill of legislative officials is also lobbying.” [ORS 171.725(8)]
- **Legislative Action:** This is action that occurs primarily in the Legislative Assembly and includes introducing, sponsoring, testifying, debating, voting or any other official action on any measure, resolution, amendment, nomination, appointment or report subject to action by the Legislative Assembly. Legislative action is also the approval or veto of legislative action by the Governor.

Oregon Government Ethics Commission

- Any person who spends either 24 hours or \$100 in one calendar quarter on any of the following lobbying activities *is required to register as a lobbyist*:
 - Talking or corresponding in writing with a legislative official to influence or attempt to influence legislative action. [?]
 - Talking or corresponding in writing with an executive official to solicit the official to influence or attempt to influence legislative action. [?]
 - Talking or corresponding in writing with others to solicit their efforts to influence or attempt to influence legislative action.
 - Attempting to obtain the goodwill of legislative officials.

Oregon Government Ethics Commission

- Clients/Employers of lobbyists also have to register with the OGEC
 - “Once a lobbyist has registered to represent a client or employer, the client or employer must file a lobbying expenditure report for each calendar quarter.”

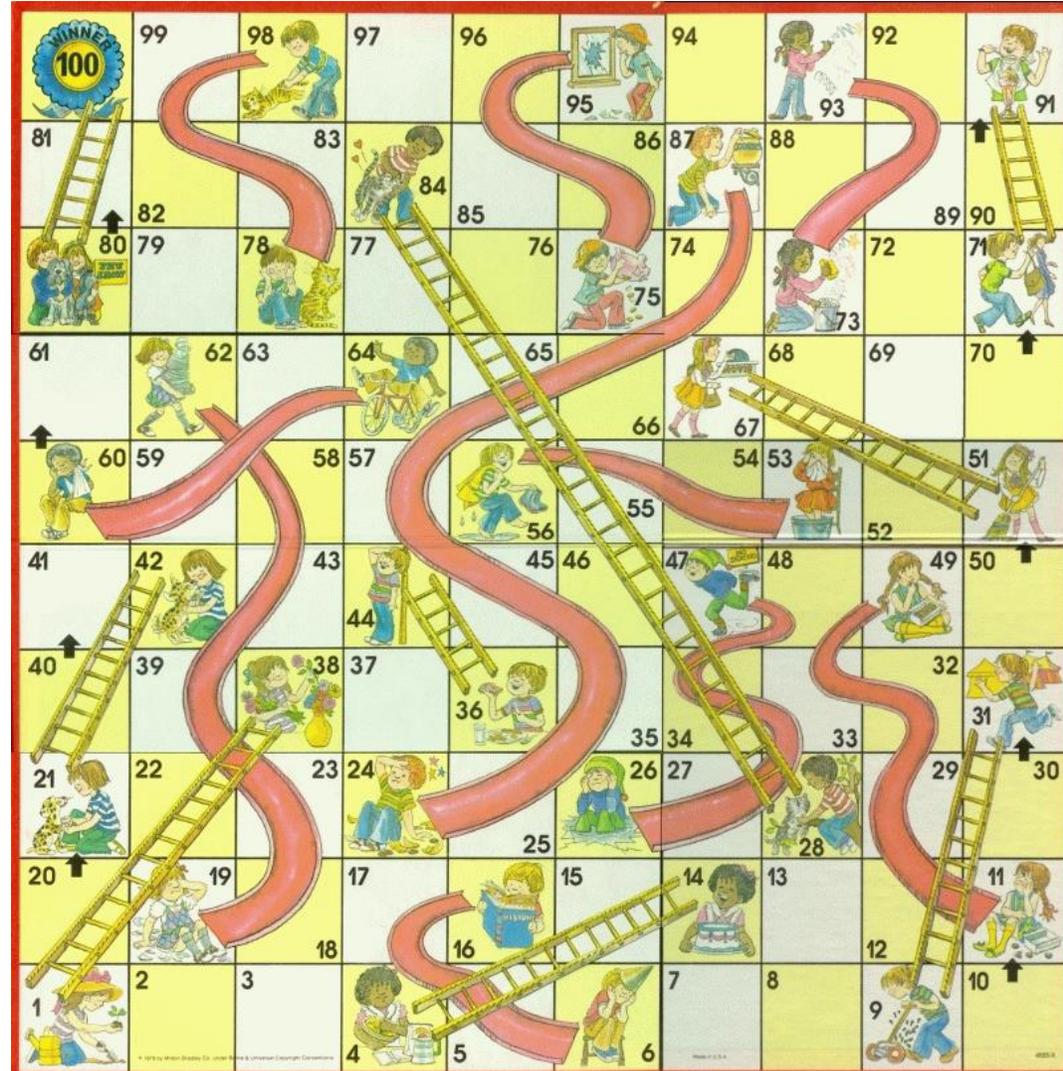
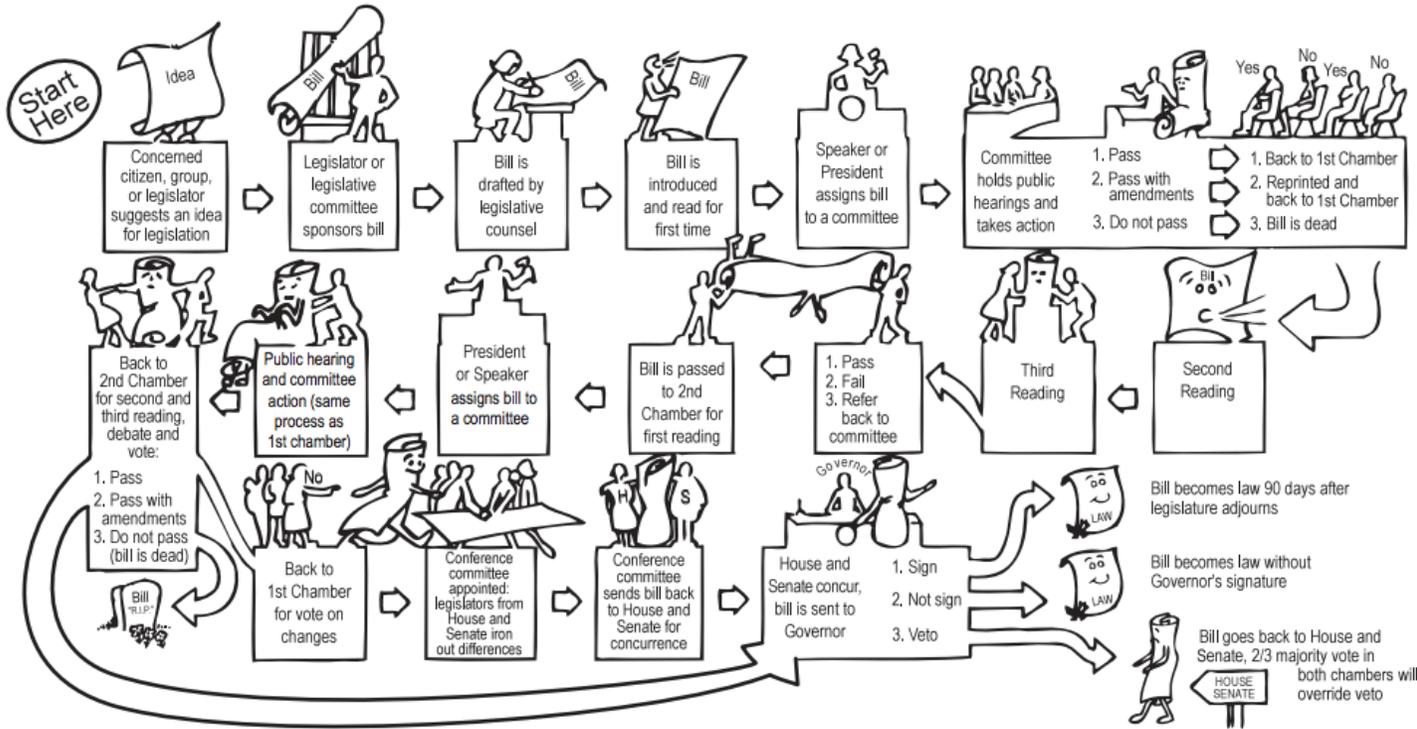
When in doubt, contact the Ethics Commission

Resources for more info

- Guide to Lobbying in Oregon – Oregon Government Ethics Commission - <https://www.oregon.gov/OGEC/docs/Lobby/Lobby%20Guides/Lobby%20Guide%202010.pdf>
- Lobbying and 501(c)3 nonprofits – Internal Revenue Service - <https://www.irs.gov/charities-non-profits/lobbying>
- Lobbying guidelines for 501(c)(3) public charities - <http://www.foodpolicynetworks.org/food-policy-resources/index.html?resource=980>
- Nonprofits and Lobbying - <https://apps.americanbar.org/buslaw/blt/2009-03-04/mehta.shtml>

How an Idea Becomes Law

A simple view of the Oregon Legislative Process



Policy is about Relationship

- With Partners
 - Find a mentor
 - Think outside the box
- With Legislators & Staff
 - Be honest
 - Be respectful
 - Take time to get to know each other
 - Explain the human impact
 - Send the right messenger
 - Make a clear ask



Oregon's Farm to School Bill HB 2038

Passed *unanimously* in both the House and the Senate with full funding!

\$4.5 million in grants for:

- purchases of Oregon foods
- farm and garden based education



Messages for Different Stakeholders: Oregon

- Economic development: farms and food processors
- Value of educational activities: students and educators

Personal stories make the biggest impact with legislators!

Engaging OFSSGN Stakeholders in Advocating

- At least **4** site visits in district with legislators to school farms and gardens
- **2** Lobby days coordinated by Friends of Family Farmers and Partners for Hunger Free Oregon
- **4** other constituent meetings with legislators in Salem
- **5** constituents attended town halls and listening sessions in their communities





Engaging Statewide Networks: Oregon

- Approx. **290** personalized phone calls and emails
- **364** generic email messages and **41** customized emails from **106** constituents generated from an online form to **73** legislators and the Governor
- **7** formal letters of support sent to ALL legislators by partner organizations: Ecotrust, 1000 friends of Oregon, Oregon Academy of Nutrition and Dietetics, AgLink, Oregon School Nutrition Association, Organically Grown Company, and FoodCorps
- **37** formal letters of support from procurement grantees (15), education grantees (11), producers (8) and local community organizations (3)

Engaging Statewide Networks: Oregon

- **2** public hearings with testimony from **14** in person and **41** organizations or individuals in writing
- **8** news stories about programs within their districts
- **3** letters to the editor



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More questions
for our speakers?

For more information:
ocfsn.net/policy-committee/