

House Bill 2577

Sponsored by Representative RAYFIELD (Pre-session filed.)

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**.

Requires lobbyist statements filed with Oregon Government Ethics Commission to identify each bill or measure introduced before Legislative Assembly lobbyist lobbied on, whether lobbyist lobbied in favor or in opposition to bill or measure, each legislative topic that was not bill or measure that lobbyist lobbied on, each person or entity that hired lobbyist and how much moneys person or entity paid lobbyist.

Requires commission to make newly required lobbyist information available in searchable format for review by public using Internet.

Subject to certain exemptions, expands scope of lobbying to include person who holds position with public body or private entity and whose work responsibilities include lobbying.

Clarifies when lobbyist must register with Oregon Government Ethics Commission and file lobbyist registration statement.

A BILL FOR AN ACT

1
2 Relating to lobbying; creating new provisions; and amending ORS 171.735, 171.740, 171.745 and
3 171.772.

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

5 **SECTION 1.** ORS 171.745 is amended to read:

6 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
7 to register with the commission shall, according to the schedule described in ORS 171.752, file with
8 the commission a statement showing for the applicable reporting period:

9 (a) The total amount of all moneys expended for food, refreshments and entertainment by the
10 lobbyist for the purpose of lobbying.

11 (b) The name of any legislative official or executive official to whom or for whose benefit, on
12 any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee,
13 purpose and amount of that expenditure. This paragraph applies if the total amount expended on the
14 occasion by one or more persons exceeds \$50.

15 (c)(A) **Each bill or measure that is introduced before the Legislative Assembly on which**
16 **the lobbyist has engaged in lobbying activities.**

17 (B) **For each bill or measure reported under subparagraph (A) of this paragraph:**

18 (i) **A statement as to whether the lobbyist engaged in lobbying activities in support of the**
19 **bill or measure, in opposition to the bill or measure or whether the lobbyist was neutral on**
20 **the bill or measure, but sought amendments to the bill or measure; and**

21 (ii) **The name of each person or entity that hired the lobbyist for the purpose of lobbying**
22 **on the bill or measure.**

23 (d)(A) **A listing of each legislative topic on which the lobbyist has engaged in lobbying**
24 **activities that is not part of a bill or measure that is introduced before the Legislative As-**
25 **sembly reported under paragraph (c) of this subsection.**

26 (B) **For each topic reported under subparagraph (A) of this paragraph, the name of each**

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 **person or entity that hired the lobbyist for the purpose of lobbying.**

2 **(e) The total amount of moneys paid to the lobbyist for the purpose of lobbying by each**
 3 **person or entity identified in paragraph (c)(B)(ii) or (d)(B) of this subsection.**

4 (2) Statements required by this section need not include:

5 (a) Amounts expended by the lobbyist for personal living and travel expenses and office over-
 6 head, including salaries and wages paid for staff and secretarial assistance, and maintenance ex-
 7 penses; or

8 (b) Amounts expended by the lobbyist on lobbying another lobbyist who is registered with the
 9 commission or required to register with the commission, or on lobbying any person on whose behalf
 10 a lobbyist is registered or required to register. This paragraph does not apply if the person lobbied
 11 is a legislative official, an executive official or a member of a state board or commission.

12 (3) If the amount of any expenditure required to be included in a statement is not accurately
 13 known at the time the statement is required to be filed, an estimate of the expenditure shall be
 14 submitted in the statement and designated as an estimate. The exact amount expended for which a
 15 previous estimate was made shall be submitted in a subsequent report when the information is
 16 available.

17 (4) A statement required by this section shall include a copy of any notice provided to a public
 18 official or candidate under ORS 244.100.

19 **SECTION 2.** ORS 171.745, as amended by section 2, chapter 701, Oregon Laws 2013, is amended
 20 to read:

21 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
 22 to register with the commission shall, according to the schedule described in ORS 171.752, file with
 23 the commission a statement showing for the applicable reporting period:

24 (a) The total amount of all moneys expended for food, refreshments and entertainment by the
 25 lobbyist for the purpose of lobbying.

26 (b) The name of any legislative official or executive official to whom or for whose benefit, on
 27 any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee,
 28 purpose and amount of that expenditure. This paragraph applies if the total amount expended on the
 29 occasion by one or more persons exceeds \$50.

30 **(c)(A) Each bill or measure that is introduced before the Legislative Assembly on which**
 31 **the lobbyist has engaged in lobbying activities.**

32 **(B) For each bill or measure reported under subparagraph (A) of this paragraph:**

33 **(i) A statement as to whether the lobbyist engaged in lobbying activities in support of the**
 34 **bill or measure, in opposition to the bill or measure or whether the lobbyist was neutral on**
 35 **the bill or measure, but sought amendments to the bill or measure; and**

36 **(ii) The name of each person or entity that hired the lobbyist for the purpose of lobbying**
 37 **on the bill or measure.**

38 **(d)(A) A listing of each legislative topic on which the lobbyist has engaged in lobbying**
 39 **activities that is not part of a bill or measure that is introduced before the Legislative As-**
 40 **sembly reported under paragraph (c) of this subsection.**

41 **(B) For each topic reported under subparagraph (A) of this paragraph, the name of each**
 42 **person or entity that hired the lobbyist for the purpose of lobbying.**

43 **(e) The total amount of moneys paid to the lobbyist for the purpose of lobbying by each**
 44 **person or entity identified in paragraph (c)(B)(ii) or (d)(B) of this subsection.**

45 (2) Statements required by this section need not include amounts expended by the lobbyist for

1 personal living and travel expenses and office overhead, including salaries and wages paid for staff
2 and secretarial assistance, and maintenance expenses.

3 (3) If the amount of any expenditure required to be included in a statement is not accurately
4 known at the time the statement is required to be filed, an estimate of the expenditure shall be
5 submitted in the statement and designated as an estimate. The exact amount expended for which a
6 previous estimate was made shall be submitted in a subsequent report when the information is
7 available.

8 (4) A statement required by this section shall include a copy of any notice provided to a public
9 official or candidate under ORS 244.100.

10 **SECTION 3.** ORS 171.772 is amended to read:

11 171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government Ethics
12 Commission shall:

13 (1) Prescribe by rule forms for registrations, statements and reports required to be filed by ORS
14 171.725 to 171.785 and provide the forms to persons required to register and to file the statements
15 and reports.

16 (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS
17 171.725 to 171.785.

18 (3) Make registrations, statements and reports filed available for public inspection and copying
19 during regular office hours, and make copying facilities available at a charge not to exceed actual
20 cost.

21 (4) Adopt by rule an electronic filing system under which statements required to be filed under
22 ORS 171.745 and 171.750 must be filed with the commission in an electronic format. The commission
23 may not charge a fee for filing a statement under this subsection.

24 (5) Provide training on procedures for filing statements under subsection (4) of this section.

25 (6) Make statements **and information contained within the statements** filed under ORS
26 171.745 and 171.750 available in a searchable format for review by the public using the Internet.

27 **The searchable format must permit the public to view:**

28 **(a) For each bill or measure that is introduced before the Legislative Assembly:**

29 **(A) The name of each lobbyist that has engaged in lobbying activities in support of the**
30 **bill or measure, and the name of the person or entity that hired each lobbyist identified in**
31 **this subparagraph;**

32 **(B) The name of each lobbyist that has engaged in lobbying activities in opposition to the**
33 **bill or measure, and the name of the person or entity that hired each lobbyist identified in**
34 **this subparagraph; and**

35 **(C) The name of each lobbyist that has engaged in lobbying activities that were neutral**
36 **to the bill or measure, but which involved seeking an amendment or amendments to the bill**
37 **or measure, and the name of the person or entity that hired each lobbyist identified in this**
38 **subparagraph.**

39 **(b) For each person or entity that hired a lobbyist:**

40 **(A) The name of each lobbyist hired by the person or entity;**

41 **(B) Each bill or measure that is introduced before the Legislative Assembly on which**
42 **each lobbyist identified in subparagraph (A) of this paragraph engaged in lobbying activities;**

43 **(C) Each legislative topic other than a bill or measure before the Legislative Assembly**
44 **on which each lobbyist identified in subparagraph (A) of this paragraph engaged in lobbying**
45 **activities; and**

1 **(D) The total amount of moneys the person or entity paid to each lobbyist identified in**
 2 **subparagraph (A) of this paragraph for the purpose of lobbying.**

3 **(c) For each lobbyist:**

4 **(A) Each bill or measure that is introduced before the Legislative Assembly for which the**
 5 **lobbyist engaged in lobbying activities in support of the bill or measure, and the name of the**
 6 **person or entity that hired the lobbyist for each bill or measure identified in this subpara-**
 7 **graph;**

8 **(B) Each bill or measure that is introduced before the Legislative Assembly for which the**
 9 **lobbyist engaged in lobbying activities in opposition to the bill or measure, and the name of**
 10 **the person or entity that hired the lobbyist for each bill or measure identified in this sub-**
 11 **paragraph;**

12 **(C) Each bill or measure that is introduced before the Legislative Assembly for which the**
 13 **lobbyist engaged in lobbying activities that were neutral to the bill or measure, but which**
 14 **involved seeking an amendment or amendments to the bill or measure, and the name of the**
 15 **person or entity that hired the lobbyist for each bill or measure identified in this subpara-**
 16 **graph;**

17 **(D) Each legislative topic on which the lobbyist has engaged in lobbying activities that is**
 18 **not included in subparagraphs (A) to (C) of this paragraph, and the name of the person or**
 19 **entity that hired the lobbyist for each topic identified in this subparagraph; and**

20 **(E) The total amount of moneys paid to the lobbyist by each person or entity that hired**
 21 **the lobbyist for the purpose of lobbying.**

22 **SECTION 4.** ORS 171.735 is amended to read:

23 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

24 (1) News media, or their employees or agents, that in the ordinary course of business directly
 25 or indirectly urge legislative action but that engage in no other activities in connection with the
 26 legislative action.

27 (2) Any legislative official acting in an official capacity.

28 (3) Any individual who does not receive compensation or reimbursement of expenses for lobby-
 29 ing, who limits lobbying activities solely to formal appearances to give testimony before public ses-
 30 sions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when
 31 testifying, registers an appearance in the records of the committees or agencies.

32 [(4) A person who does not:]

33 [(a) Agree to provide personal services for money or any other consideration for the purpose of
 34 lobbying;]

35 [(b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying;
 36 and]

37 [(c) Spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.]

38 [(5)] (4) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor,
 39 legal counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy
 40 Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer ap-
 41 pointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney Gen-
 42 eral, Deputy Attorney General appointed pursuant to ORS 180.130, Deputy Superintendent of Public
 43 Instruction appointed pursuant to ORS 326.300, Commissioner of the Bureau of Labor and Industries,
 44 deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060,
 45 members and staff of the Oregon Law Commission who conduct the law revision program of the

1 commission or any judge.

2 **(5) Any person not otherwise exempt from ORS 171.740 and 171.745 under subsections (1)**
 3 **to (4) of this section, unless the person:**

4 **(a) Resides, is based, is employed or operates as a contractor in this state and:**

5 **(A) Agrees to provide personal services for money or any other consideration for the**
 6 **purpose of lobbying; or**

7 **(B) Holds a position with a public body as defined in ORS 174.109, or with a private entity,**
 8 **with work responsibilities that include lobbying;**

9 **(b) Spends more than an aggregate amount of 24 hours lobbying during any calendar**
 10 **quarter; or**

11 **(c) Spends an aggregate amount in excess of \$100 lobbying during any calendar quarter.**

12 **SECTION 5.** ORS 171.740, as amended by section 2, chapter 101, Oregon Laws 2016, is amended
 13 to read:

14 171.740. (1) Within three business days [*after exceeding the limit of time or expenditure specified*
 15 *in ORS 171.735 (4), or within three business days after agreeing to provide personal services for money*
 16 *or any other consideration for the purpose of lobbying,]* **of meeting the requirements for any sit-**
 17 **uation described in ORS 171.735 (5),** a lobbyist shall register with the Oregon Government Ethics
 18 Commission by filing with the commission a statement containing the following information:

19 (a) The name, address, electronic mail address and telephone number of the lobbyist.

20 (b) The name, address, electronic mail address and telephone number of each person that em-
 21 ploys the lobbyist or in whose interest the lobbyist appears or works.

22 (c) A general description of the trade, business, profession or area of endeavor of any person
 23 designated under paragraph (b) of this subsection, and a statement by the person that the lobbyist
 24 is officially authorized to lobby for the person.

25 (d) The name of any member of the Legislative Assembly employed, retained or otherwise com-
 26 pensated by:

27 (A) The lobbyist designated under paragraph (a) of this subsection; or

28 (B) A person designated under paragraph (b) of this subsection.

29 (e) The general subject or subjects of the legislative action of interest to the person for whom
 30 the lobbyist is registered.

31 (2)(a) Not later than 10 calendar days after a lobbyist files a registration statement under this
 32 section, the designation of official authorization to lobby shall be signed by an official of each person
 33 that employs the lobbyist or in whose interest the lobbyist appears or works.

34 (b) A lobbyist may unilaterally withdraw a registration statement filed under this section not
 35 more than one time per calendar year for each person designated under subsection (1)(b) of this
 36 section if the withdrawal is made:

37 (A) Before the designation of official authorization to lobby has been signed in the manner re-
 38 quired under paragraph (a) of this subsection; and

39 (B) No more than 10 calendar days after the lobbyist filed the registration statement.

40 (3) A lobbyist must file a separate registration statement under subsection (1) of this section for
 41 each person that employs the lobbyist or in whose interest the lobbyist appears or works. If a
 42 lobbyist appears or works for a person for whom the lobbyist has not registered, the lobbyist shall
 43 register with the commission not later than three business days after the day the lobbyist first ap-
 44 pears or works for the person.

45 (4)(a) Except as provided in paragraph (b) of this subsection, if any of the information submitted

1 by a lobbyist in the statement required under subsection (1) of this section changes, the lobbyist
2 shall revise the statement within 30 days of the change.

3 (b) A lobbyist shall notify the commission within three business days if the lobbyist ceases to
4 represent a person for whom the lobbyist is registered. Notification must be made by updating the
5 registration statement required under subsection (1) of this section.

6 (5) A lobbyist registration expires December 31 of each odd-numbered year. If a lobbyist renews
7 the registration before January 31 of the following even-numbered year, the commission shall con-
8 sider the registration to have been effective as of December 31 of the odd-numbered year on which
9 the registration expired.

10 (6) For the statement required by subsection (1) of this section, an entity composed of more than
11 one lobbyist may file one statement for the lobbyists who compose the entity. The statement the
12 entity files must include the names of the individuals authorized to lobby on behalf of the client
13 listed in the statement.

14 **SECTION 6. (1) The amendments to ORS 171.745 and 171.772 by sections 1 to 3 of this 2017**
15 **Act become operative on January 1, 2019.**

16 **(2) The amendments to ORS 171.735 and 171.740 by sections 4 and 5 of this 2017 Act first**
17 **apply to lobbying, the registration of lobbyists and the filing of lobbyist registration state-**
18 **ments and updates or revisions to lobbyist registration statements that occur on or after the**
19 **effective date of this 2017 Act.**

20