

# Senate Bill 743

Sponsored by Senator STARR

## 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**.

Modifies schedule for filing of expenditure statements by lobbyists and persons on whose behalf lobbyists were registered. Requires filing of statements for each calendar quarter and each month during session of Legislative Assembly.

Directs lobbyists and persons on whose behalf lobbyists were registered to report all expenditures exceeding \$25 made to or on behalf of legislative or executive officials for purpose of lobbying and to provide officials with notice of amount of expenditure.

Provides civil penalties for failure to file lobbyist statement or include required information in lobbyist statement. Upon third violation of lobbying reporting requirements, prohibits violator from lobbying for two years.

Directs Oregon Government Standards and Practices Commission to allow filing of lobbyist electronic statements. Directs commission to allow public access to statements using Internet.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to government ethics; creating new provisions; amending ORS 171.745, 171.750, 171.772,  
3 171.992 and 244.100; and declaring an emergency.

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) **According to the schedule described in section 4 of this 2007 Act**, a lobbyist  
7 registered with the Oregon Government Standards and Practices Commission or required to register  
8 with the commission shall[, *on January 31 and July 31, of each even-numbered year, and on January*  
9 *31, April 30 and July 31 of each odd-numbered year,*] file with the commission a statement **for the**  
10 **applicable reporting period** showing:

11 (a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying [*in the*  
12 *preceding reporting period*] for:

13 (A) Food, refreshments and entertainment;

14 (B) Printing, postage and telephone;

15 (C) Advertising, public relations, education and research; and

16 (D) Miscellaneous; and

17 (b) The name of any legislative or executive official to whom or for whose benefit, on any one  
18 occasion, an expenditure in excess of \$25 is made for the [*purposes*] **purpose** of lobbying, and the  
19 date, name of payee, purpose and amount of that expenditure.

20 [(2) *Beginning on July 1, 1979, the dollar amount specified in subsection (1)(b) of this section shall*  
21 *be adjusted annually by the commission based upon the change in the Portland Consumer Price Index*  
22 *for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United*  
23 *States Department of Labor or its successor during the preceding 12-month period. The amount deter-*  
24 *mined under this subsection shall be rounded to the nearest dollar.*]

25 [(3)] (2) Statements required by this section need not include amounts expended by the lobbyist

**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 for personal living and travel expenses and office overhead, including salaries and wages paid for  
 2 staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure re-  
 3 quired to be included in a statement is not accurately known at the time the statement is required  
 4 to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an  
 5 estimate. The exact amount expended for which a previous estimate was made shall be submitted in  
 6 a subsequent report when the information is available.

7 [(4)] (3) Notwithstanding ORS 171.735, 171.740 and subsections (1) [to (3)] **and (2)** of this section,  
 8 a registered lobbyist, who engages in lobbying activities without compensation on behalf of an or-  
 9 ganization is not required to register as a lobbyist for the organization as long as the lobbying ac-  
 10 tivity does not exceed the financial or time limits set in ORS 171.735 (4).

11 [(5)] (4) A statement required by this section shall include a copy of any notice provided to a  
 12 public official under ORS 244.100 (3).

13 [(6)] (5) For each statement required by this section, an entity comprised of more than one  
 14 lobbyist may file one statement that reports expenditures by the entity and not by individual  
 15 lobbyists.

16 **SECTION 2.** ORS 171.750 is amended to read:

17 171.750. (1) **According to the schedule described in section 4 of this 2007 Act**, any person  
 18 on whose behalf a lobbyist was registered, or was required to register with the Oregon Government  
 19 Standards and Practices Commission at any time during the [*preceding*] calendar year, shall file with  
 20 the commission[, *by January 31st of each year,*] a statement **for the applicable reporting period**  
 21 showing[, *for the preceding calendar year*]:

22 (a) The total amount of all moneys expended for lobbying activities on the person's behalf, ex-  
 23 cluding living and travel expenses incurred for a lobbyist performing lobbying services[.]; **and**

24 (b) The name of any legislative or executive official to whom or for whose benefit, on any one  
 25 occasion, an expenditure in excess of \$25 for the purpose of lobbying is made by the person, but not  
 26 including information previously reported in compliance with ORS 171.745, and the date, name of  
 27 payee, purpose and amount of that expenditure.

28 [(2) *Using July 1, 1979, as the base, the dollar amount specified in subsection (1)(b) of this section*  
 29 *shall be adjusted annually by the commission based upon the change in the Portland Consumer Price*  
 30 *Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the*  
 31 *United States Department of Labor, or its successor, during the preceding 12-month period. The amount*  
 32 *determined under this subsection shall be rounded to the nearest dollar.*]

33 [(3)] (2) A statement required under subsection (1) of this section shall include a copy of any  
 34 notice provided to a public official under ORS 244.100 (3).

35 **SECTION 3.** **Section 4 of this 2007 Act is added to and made a part of ORS 171.725 to**  
 36 **171.785.**

37 **SECTION 4.** (1) **Except as provided in subsection (2) of this section, statements required**  
 38 **to be filed with the Oregon Government Standards and Practices Commission under ORS**  
 39 **171.745 and 171.750 shall be filed in each calendar year:**

40 (a) **Not later than April 15, for the accounting period beginning January 1 and ending**  
 41 **March 31;**

42 (b) **Not later than July 15, for the accounting period beginning April 1 and ending June**  
 43 **30;**

44 (c) **Not later than October 15, for the accounting period beginning July 1 and ending**  
 45 **September 30; and**

1 (d) Not later than January 7 of the following calendar year, for the accounting period  
2 beginning October 1 and ending December 31.

3 (2) Statements required to be filed with the commission under ORS 171.745 and 171.750  
4 shall be filed for each calendar month during which the Legislative Assembly is in session.  
5 A statement must be filed not later than the seventh calendar day after the end of the pre-  
6 ceding month. A statement described in subsection (1) of this section is not required to be  
7 filed for any month the Legislative Assembly is in session. A statement filed under sub-  
8 section (1) of this section is not required to contain information included on a statement filed  
9 under this subsection.

10 **SECTION 5.** ORS 244.100 is amended to read:

11 244.100. (1) The Oregon Government Standards and Practices Commission by rule may require  
12 the disclosure and reporting of gifts or other compensation made to or received by a public official  
13 or candidate for elective office.

14 (2) The commission by rule may exempt from the gift limitation contained in ORS 244.040, any  
15 gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount  
16 fixed by the commission, the source thereof shall be disclosed on a form prescribed by the commis-  
17 sion.

18 (3) In addition to any disclosures or reports required under subsections (1) and (2) of this  
19 section[,]:

20 (a) Any person or organization that provides a public official with food, lodging or travel ex-  
21 penses exceeding [~~\$50~~] **\$100**, as described in ORS 244.060 (6), shall notify the public official in writ-  
22 ing of the amount of the expense. The notice [*shall*] **must** be sent to the public official [*within 10*  
23 *days from*] **not later than 10 days after** the date [*such*] **the** expenses are incurred.

24 (b) **Notwithstanding paragraph (a) of this subsection, a lobbyist who has made an ex-**  
25 **penditure exceeding \$25 to or for the benefit of a legislative or executive official, on any one**  
26 **occasion, for the purpose of lobbying shall notify the official in writing of the amount of the**  
27 **expense. The notice must be sent to the public official not later than 10 days after the date**  
28 **the expenses are incurred.**

29 **SECTION 6.** ORS 171.992 is amended to read:

30 171.992. (1) **Except as provided in subsections (2) and (3) of this section,** any person who  
31 violates any provision of ORS 171.740 to 171.762, or any rule adopted [*pursuant thereto*] **under ORS**  
32 **171.725 to 171.785,** shall forfeit and pay to the General Fund a civil penalty for each violation of  
33 not more than \$1,000, to be determined by the Oregon Government Standards and Practices Com-  
34 mission.

35 (2)(a) **The commission may impose civil penalties against a person who fails to file the**  
36 **statement required under ORS 171.745 or 171.750. The commission is not required to follow**  
37 **the procedures in ORS 171.778 before finding that a violation of ORS 171.745 or 171.750 has**  
38 **occurred.**

39 (b) **Failure to file the required statement in a timely fashion is prima facie evidence of**  
40 **a violation of ORS 171.745 or 171.750.**

41 (c) **The commission may impose a civil penalty of \$10 for each of the first 14 days the**  
42 **statement is late beyond the date set by the commission under ORS 171.745 or 171.750 and**  
43 **\$50 for each day thereafter. The maximum penalty that may be imposed under this sub-**  
44 **section is \$1,000.**

45 (3)(a) **The commission may impose civil penalties against a person who fails to include in**

1 a statement filed under ORS 171.745 or 171.750 the information required under ORS 171.745  
 2 or 171.750. The amount of the civil penalty may not exceed \$1,000 or three times the amount  
 3 of expenditures that were not included in the statement, whichever is greater.

4 (b) If the commission imposes a civil penalty against the same person three or more  
 5 times under this section, the person may not be a lobbyist for two years following the date  
 6 the penalty is imposed under this subsection.

7 [(2)] (4) [The] A civil penalty [referred to in subsection (1) of] imposed under this section may  
 8 be recovered in an action brought [thereon] in the name of the State of Oregon in any court of ap-  
 9 propriate jurisdiction or may be imposed as provided in ORS 183.745. In any proceedings before the  
 10 court, including judicial review under ORS 183.745, the court may review the penalty as to both li-  
 11 ability and reasonableness of amount.

12 **SECTION 7.** ORS 171.772 is amended to read:

13 171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government  
 14 Standards and Practices Commission shall:

15 (1) Prescribe forms for registrations, statements and reports required to be filed by ORS 171.725  
 16 to 171.785[,] and provide [such] the forms to persons required to register and to file [such] the  
 17 statements and reports[;].

18 (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS  
 19 171.725 to 171.785[; and].

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

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

26 (5) Provide training on procedures for filing statements under subsection (4) of this sec-  
 27 tion.

28 (6) Make statements filed under ORS 171.745 and 171.750 available in a searchable format  
 29 for review by the public using the Internet.

30 **SECTION 8.** (1) Section 4 of this 2007 Act and the amendments to ORS 171.745 and 171.750  
 31 by sections 1 and 2 of this 2007 Act apply to statements required to be filed for reporting  
 32 periods beginning on or after January 1, 2008.

33 (2) The first statement filed under ORS 171.745, as amended by section 1 of this 2007 Act,  
 34 shall include amounts expended prior to January 1, 2008, that were not included in a state-  
 35 ment filed prior to January 1, 2008.

36 (3) Notwithstanding ORS 171.750, as amended by section 2 of this 2007 Act, a person re-  
 37 quired to file a statement under ORS 171.750 for the calendar year 2007 shall file the state-  
 38 ment not later than January 31, 2008.

39 (4) The amendments to ORS 244.100 by section 5 of this 2007 Act apply to expenditures  
 40 made on or after January 1, 2008.

41 (5) The amendments to ORS 171.992 by section 6 of this 2007 Act apply to violations or  
 42 failures to file statements that occur on or after January 1, 2008.

43 (6)(a) Section 4 of this 2007 Act and the amendments to ORS 171.745, 171.750, 171.992 and  
 44 244.100 by sections 1, 2, 5 and 6 of this 2007 Act become operative January 1, 2008.

45 (b) The amendments to ORS 171.772 by section 7 of this 2007 Act become operative Jan-

1 uary 1, 2009.

2 (7) The Oregon Government Standards and Practices Commission may adopt rules or  
3 take any other action before an operative date specified in this section that is necessary to  
4 enable the commission to exercise, on and after an operative date specified in this section,  
5 all the duties, functions and powers conferred on the commission by this 2007 Act.

6 SECTION 9. This 2007 Act being necessary for the immediate preservation of the public  
7 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
8 on its passage.

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