

Enrolled
House Bill 4134

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown)

CHAPTER

AN ACT

Relating to lobbyist reporting; creating new provisions; amending ORS 171.740 and 244.290; and declaring an emergency.

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

SECTION 1. ORS 244.290, as amended by section 3, chapter 619, Oregon Laws 2015, is amended to read:

244.290. (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or pursuant to a resolution adopted under ORS 244.160.

(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(c) Prepare and publish reports the commission finds are necessary.

(d) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(e) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

(f) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions of the body over which the public official has jurisdiction are so few or infrequent as not to warrant the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order;

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation;

(e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of “gift” in ORS 244.020;

(g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and

(h) Set criteria for determining the amount of civil penalties that the commission may impose.

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of “potential conflict of interest” under ORS 244.020;

(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;

(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.

(4) Not less frequently than once each calendar year, the commission shall:

(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and

(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

(5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.217 must be filed, without a fee, with the commission in an electronic format.

(6) The commission shall make available in a searchable format for review by the public using the Internet:

(a) Statements filed under ORS 244.050 and 244.217;

(b) Advisory opinions issued by the commission or the executive director of the commission; [and]

(c) Findings issued by the commission under ORS 244.260 in instances where the commission determines that there has been a violation of a provision of this chapter or of any rule adopted by the commission under this chapter. Nothing in this paragraph requires the commission to make publicly available materials that are otherwise exempt from public disclosure or that are required to be kept confidential by the commission[.]; and

(d) Lobbyist registration statements and revisions and updates to lobbyist registration statements filed under ORS 171.740. The information required under this paragraph must be available in a searchable format for review by the public using the Internet not later than one calendar day after the lobbyist files the information with the commission.

SECTION 2. ORS 171.740 is amended to read:

171.740. (1) Within [10] **three** business days after exceeding the limit of time or expenditure specified in ORS 171.735 (4), or within [10] **three** business days after agreeing to provide personal services for money or any other consideration for the purpose of lobbying, a lobbyist shall register with the Oregon Government Ethics Commission by filing with the commission a statement containing the following information:

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

(b) The name, address, **electronic mail address** and telephone number of each person that employs the lobbyist or in whose interest the lobbyist appears or works.

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

(d) The name of any member of the Legislative Assembly employed, retained or otherwise compensated by:

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

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

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

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

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

(A) Before the designation of official authorization to lobby has been signed in the manner required under paragraph (a) of this subsection; and

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

(3) A lobbyist must file a separate registration statement under **subsection (1) of this section** for each person that employs the lobbyist or in whose interest the lobbyist appears or works. If a lobbyist appears or works for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission not later than [10] **three** business days after the day the lobbyist first appears or works for the person.

(4)(a) Except as provided in paragraph (b) of this subsection, if any of the information submitted by a lobbyist in the statement required under subsection (1) of this section changes, the lobbyist shall revise the statement within 30 days of the change.

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

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

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

SECTION 3. The amendments to ORS 171.740 and 244.290 by sections 1 and 2 of this 2016 Act apply to lobbyist registration statements and updates or revisions to lobbyist registration statements filed on or after January 1, 2017.

SECTION 4. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Passed by House February 16, 2016

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate March 2, 2016

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2016

Approved:

.....M,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2016

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Jeanne P. Atkins, Secretary of State