

# House Bill 4134

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

## 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 lobbyists to update client list within five business days of commencing or ceasing representation of client during regular or special sessions of Legislative Assembly. Requires Oregon Government Ethics Commission to make lobbyist registration and lobbyist registration updates publicly available on Internet within two business days of receiving information.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to lobbyist reporting; creating new provisions; amending ORS 171.735, 171.740 and 244.290;  
3 and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 171.740 to**  
6 **171.762.**

7 **SECTION 2. (1) During any regular session of the Legislative Assembly, or during any**  
8 **special session of the Legislative Assembly:**

9 (a) **Within five business days after exceeding the limit of time or expenditure specified**  
10 **in ORS 171.735 (4), or within five business days after agreeing to provide personal services**  
11 **for money or any other consideration for the purpose of lobbying, a lobbyist shall register**  
12 **with the Oregon Government Ethics Commission by filing with the commission the state-**  
13 **ment required under ORS 171.740 (1).**

14 (b) **If a lobbyist appears in the interest of or works for a person for whom the lobbyist**  
15 **has not registered, the lobbyist shall register with the commission not later than five busi-**  
16 **ness days after the day the lobbyist first appears or works for the person.**

17 (c) **A lobbyist shall notify the commission within five business days if the lobbyist ceases**  
18 **to represent a person for whom the lobbyist has previously registered. Notification must be**  
19 **made by updating the information submitted by the lobbyist in the statement required under**  
20 **ORS 171.740 (1).**

21 (2)(a) **If during the five business days before the convening of any regular or special**  
22 **session of the Legislative Assembly a lobbyist exceeds the limit of time or expenditure**  
23 **specified in ORS 171.735 (4) or agrees to provide personal services for money or any other**  
24 **consideration for the purpose of lobbying, the lobbyist shall register with the commission by**  
25 **filing with the commission the statement required under ORS 171.740 (1) not later than five**  
26 **business days after the convening of that regular or special session.**

27 (b) **If during the five business days before the convening of any regular or special session**  
28 **of the Legislative Assembly a lobbyist appears in the interest of or works for a person for**  
29 **whom the lobbyist has not registered, the lobbyist shall register with the commission by fil-**  
30 **ing with the commission the statement required under ORS 171.740 (1) not later than five**

**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 **business days after the convening of that regular or special session.**

2 (c) **If during the 25 business days before any regular or special session of the Legislative**  
 3 **Assembly is convened a lobbyist ceases to represent a person for whom the lobbyist has**  
 4 **previously registered, the lobbyist shall notify the commission not later than five business**  
 5 **days after that regular or special session is convened. Notification must be made by updating**  
 6 **the information submitted by the lobbyist in the statement required under ORS 171.740 (1).**

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

9 244.290. (1) The Oregon Government Ethics Commission shall:

10 (a) Prescribe forms for statements required by this chapter and provide the forms to persons  
 11 required to file the statements under this chapter or pursuant to a resolution adopted under ORS  
 12 244.160.

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

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

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

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

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

23 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to  
 24 171.785 and 171.992 and this chapter, including rules to:

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

27 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
 28 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
 29 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
 30 the public disclosure;

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

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

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

37 (f) Describe the application of provisions exempting items from the definition of "gift" in ORS  
 38 244.020;

39 (g) Specify when a continuing violation is considered a single violation or a separate and dis-  
 40 tinct violation for each day the violation occurs; and

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

42 (3) The commission may adopt rules that:

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

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

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

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

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

10 (a) Consider adoption of rules the commission deems necessary to implement or interpret pro-  
 11 visions of this chapter relating to issues the commission determines are of general interest to public  
 12 officials or candidates or that are addressed by the commission or by commission staff on a recur-  
 13 ring basis; and

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

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

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

21 (a) Statements filed under ORS 244.050 and 244.217;

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

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

29 **(d) Lobbyist registration statements and updates filed under ORS 171.740 or section 2 of**  
 30 **this 2016 Act. The information required under this paragraph must be available in a**  
 31 **searchable format for review by the public using the Internet not later than two business**  
 32 **days after the information is filed with the commission.**

33 **SECTION 4.** ORS 171.740 is amended to read:

34 171.740. (1) **Except as provided in section 2 of this 2016 Act**, within 10 business days after  
 35 exceeding the limit of time or expenditure specified in ORS 171.735 (4), or within 10 business days  
 36 after agreeing to provide personal services for money or any other consideration for the purpose  
 37 of lobbying, a lobbyist shall register with the Oregon Government Ethics Commission by filing with  
 38 the commission a statement containing the following information:

39 (a) The name, address and telephone number of the lobbyist.

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

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

45 (d) The name of any member of the Legislative Assembly employed, retained or otherwise com-

1    pensated by:

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

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

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

6           (2) The designation of official authorization to lobby shall be signed by an official of each person  
7    that employs the lobbyist or in whose interest the lobbyist appears or works.

8           (3) A lobbyist must file a separate registration statement under this section for each person that  
9    employs the lobbyist or in whose interest the lobbyist appears or works. **Except as provided in**  
10 **section 2 of this 2016 Act**, if a lobbyist appears or works for a person for whom the lobbyist has  
11 not registered, the lobbyist shall register with the commission not later than 10 business days after  
12 the day the lobbyist first appears or works for the person.

13          (4) **Except as provided in section 2 of this 2016 Act**, if any of the information submitted by  
14 a lobbyist in the statement required under subsection (1) of this section changes, the lobbyist shall  
15 revise the statement within 30 days of the change.

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

20          (6) For the statement required by this section, an entity comprised of more than one lobbyist  
21 may file one statement for the lobbyists who comprise the entity. The statement the entity files must  
22 include the names of the individuals authorized to lobby on behalf of the client listed in the state-  
23 ment.

24          **SECTION 5.** ORS 171.735 is amended to read:

25          171.735. ORS 171.740 and 171.745 **and section 2 of this 2016 Act** do not apply to the following  
26 persons:

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

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

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

35           (4) A person who does not:

36           (a) Agree to provide personal services for money or any other consideration for the purpose of  
37 lobbying;

38           (b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying; and

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

40           (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal  
41 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary  
42 of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed  
43 pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General,  
44 Deputy Attorney General appointed pursuant to ORS 180.130, Deputy Superintendent of Public In-  
45 struction appointed pursuant to ORS 326.300, Commissioner of the Bureau of Labor and Industries,

1 deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060,  
2 members and staff of the Oregon Law Commission who conduct the law revision program of the  
3 commission or any judge.

4 **SECTION 6. Section 2 of this 2016 Act and the amendments to ORS 171.735, 171.740 and**  
5 **244.290 by sections 3 to 5 of this 2016 Act apply to lobbyist registration statements and up-**  
6 **dates to lobbyist registration statements filed on or after January 1, 2017.**

7 **SECTION 7. This 2016 Act being necessary for the immediate preservation of the public**  
8 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**  
9 **on its passage.**

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