

SB 43 B STAFF MEASURE SUMMARY**Carrier:** Rep. Rayfield**House Committee On Rules****Action Date:** 07/05/17**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 5-4-0-0**Yeas:** 5 - Holvey, Nosse, Rayfield, Smith Warner, Williamson**Nays:** 4 - Barreto, Hack, Kennemer, McLane**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Erin Seiler, LPRO Analyst**WHAT THE MEASURE DOES:**

Revises and clarifies circumstances when individuals, including public officials and elected public officials, must register as lobbyists with Oregon Government Ethics Commission (OGEC). Requires public official, who has position with public body and whose written job description includes lobbying, who spends aggregate amount of more than 24 hours or \$100 lobbying legislative or executive officials to register with OGEC. Specifically exempts from registration requirements, people who meet with legislator in personal capacity. Removes sunset on lobbyist exemption on reporting to OGEC money spent on lobbying other registered lobbyists. Expands information required on statement of registration lobbyist files with OGEC. Requires lobbyist renew registration annually. Requires lobbyist reporting statements filed with OGEC to include identification of each topic and each measure lobbied on. Excludes measures of interest that lobbyist did not attempt to influence. Requires statements be filed on monthly basis during legislative session. Requires accuracy on date of filing. Provides for modification between filing dates. Permits modification without penalty as long as no complaint is received by OGEC. Prohibits OGEC from imposing fine for filing false or inaccurate information, if OGEC determines it was mistake. Requires OGEC conduct random audits of lobbyist reporting statements. Operative January 1, 2019, OGEC may impose civil penalty up to \$500 for filing false or inaccurate information. Makes new requirements for lobbyist reporting statements operative April 1, 2018. Directs OGEC to make additional information available in searchable online format, operative August 1, 2020. Allows lobbyist reporting statements filed between April 1, 2018 and August 1, 2020 to be included as attachment to lobbying statement. Establishes Advisory Committee on Lobbying Transparency to be staffed by OGEC, to sunset January 2, 2021.

ISSUES DISCUSSED:

- Provisions of measure
- Implementation costs of reporting system
- Efforts to find consensus on issues related to lobbying and lobbyist reporting requirements

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

According to ORS 171.725, a lobbyist includes any of the following: 1) any individual who agrees to provide personal services for compensation or other consideration for the purpose of lobbying; 2) any individual who provides personal services as a representative of a corporation, association, organization, or other entity for the purpose of lobbying; or 3) any public official who lobbies. Current statute defines lobbying to mean influencing, or attempting to influence, legislative action through communication with legislative officials, solicitation of executive officials, or other individuals to influence legislative action or obtain the goodwill of legislative officials. ORS 171.740 requires an individual to register as a lobbyist with the Oregon Government Ethics Commission (OGEC) by filing a statement

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within three days of exceeding an aggregate of 24 hours spent lobbying or spending an aggregate amount that exceeds \$100 lobbying during any calendar quarter. Additionally, individuals must register with OGEC as a lobbyist the day after they first appear or work for an entity they are not already registered to represent or after agreeing to provide personal services for compensation or other consideration for the purpose of lobbying.

Senate Bill 43-B expands current exemptions with regard to lobbyist registration and expenditure statement filing requirements to additionally include elected public officials, certain representatives supervising an entity's lobbying activities and individuals who meet with legislative members in a personal capacity. The measure stipulates that a public official who holds a position with a public body and whose written job description includes lobbying and a person who provides professional services to an entity who meets specified criteria is not exempt from prescribed lobbyist registration and expenditure filing requirements. In addition, the measure expands the information that a lobbyist must include on a registration statement. The lobbyist must name each political committee that they advise or control and name each political committee for a candidate or elected official that lobbyist-controlled political committee made political campaign contributions to and they must acknowledge that they have read and understand laws and administrative rules governing lobbyists.

A lobbyist registered with the OGEC is required to file quarterly reports that include the amount of all money spent for food, refreshments, and entertainment for the purpose of lobbying and the name of any legislator or executive official to whom or for whose benefit, on any one occasion, an expenditure is made for the purpose of lobbying. If the expenditure exceeds \$50 by one or more persons on any one occasion, then the date, name of payee, purpose, and amount of that expenditure must be reported. This information, and information reported on total expenditures made by clients to lobbyists and lobbying organizations, is currently available in a public, searchable database.

Senate Bill 43-B expands the required information a registered lobbyist must report to OGEC to include information about legislative measures and topics in which the lobbyist engaged in lobbying activities. However, a lobbyist is not required to report on measures they merely monitored or provided information about and did not attempt to influence. The measure also expands the functionality of the current OGEC database to include the new information required to be reported by lobbyists, and to improve the public's ability to search and view the current information about lobbyists. Finally, the measure establishes the Advisory Committee on Lobbying Transparency to advise and assist in the development, design, testing, and implementation of the expanded OGEC database.