

A-Engrossed
House Bill 2577

Ordered by the House April 4
Including House Amendments dated April 4

Sponsored by Representative RAYFIELD; Representatives ALONSO LEON, BARNHART, BUEHLER, BYNUM, CLEM, DOHERTY, EVANS, FAHEY, GOMBERG, GORSEK, GREENLICK, HELM, HERNANDEZ, HOLVEY, KENY-GUYER, KOTEK, LININGER, LIVELY, MALSTROM, MARSH, MCKEOWN, MCLAIN, MEEK, NEARMAN, NOSSE, PILUSO, POST, POWER, REARDON, RESCHKE, SANCHEZ, SMITH DB, SMITH WARNER, SOLLMAN, VIAL, WILLIAMSON (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.

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 of, [or] in opposition to **or for purpose of seeking amendments 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. **Exempts actions that did not influence, or attempt to influence, legislative action from being included in lobbyist statements.**

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.]

Requires that information submitted as part of lobbyist statement is accurate on date it is filed. Permits lobbyist to amend lobbyist statement, without penalty, at any time before commission receives complaint, or proceeds on its own motion as if commission received complaint.

Provides that commission may not fine lobbyist for mistakenly filing false or inaccurate information in lobbyist statements if it is first time lobbyist has done so in calendar year. Limits civil penalty for filing false or inaccurate information in lobbyist statement to not more than \$500 per violation.

Establishes Advisory Committee on Lobbying Transparency to advise and assist in development, design, testing and implementation of Internet website to make information contained in lobbyist statements available in searchable format to public.

A BILL FOR AN ACT

1
2 Relating to lobbying; creating new provisions; and amending ORS 171.745, 171.772 and 171.992.

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

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

5 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
6 to register with the commission shall, according to the schedule described in ORS 171.752, file with
7 the commission a statement showing for the applicable reporting period:

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

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

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

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

4 (i) A statement as to whether the lobbyist engaged in lobbying activities in support of the
5 bill or measure, in opposition to the bill or measure or for the purpose of seeking amend-
6 ments to the bill or measure; and

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

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

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

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

15 (a) Amounts expended by the lobbyist for personal living and travel expenses and office over-
16 head, including salaries and wages paid for staff and secretarial assistance, and maintenance ex-
17 penses; [or]

18 (b) Amounts expended by the lobbyist on lobbying another lobbyist who is registered with the
19 commission or required to register with the commission, or on lobbying any person on whose behalf
20 a lobbyist is registered or required to register. This paragraph does not apply if the person lobbied
21 is a legislative official, an executive official or a member of a state board or commission[.]; or

22 (c) References to a bill, measure or legislative topic that the lobbyist:

23 (A) Monitored, but did not influence, or attempt to influence, legislative action on;

24 (B) Supported or opposed, but did not influence, or attempt to influence, legislative action
25 on; or

26 (C) Provided information or data on, or responded to a request from a legislative official
27 or executive official to provide information or data on, without the intent to influence, or
28 attempt to influence, legislative action.

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

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

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

38 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
39 to register with the commission shall, according to the schedule described in ORS 171.752, file with
40 the commission a statement showing for the applicable reporting period:

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

43 (b) The name of any legislative official or executive official to whom or for whose benefit, on
44 any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee,
45 purpose and amount of that expenditure. This paragraph applies if the total amount expended on the

1 occasion by one or more persons exceeds \$50.

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

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

5 **(i) A statement as to whether the lobbyist engaged in lobbying activities in support of the**
6 **bill or measure, in opposition to the bill or measure or for the purpose of seeking amend-**
7 **ments to the bill or measure; and**

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

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

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

15 *[(2) Statements required by this section need not include amounts expended by the lobbyist for*
16 *personal living and travel expenses and office overhead, including salaries and wages paid for staff*
17 *and secretarial assistance, and maintenance expenses.]*

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

19 **(a) Amounts expended by the lobbyist for personal living and travel expenses and office**
20 **overhead, including salaries and wages paid for staff and secretarial assistance, and mainte-**
21 **nance expenses; or**

22 **(b) References to a bill, measure or legislative topic that the lobbyist:**

23 **(A) Monitored, but did not influence, or attempt to influence, legislative action on;**

24 **(B) Supported or opposed, but did not influence, or attempt to influence, legislative action**
25 **on; or**

26 **(C) Provided information or data on, or responded to a request from a legislative official**
27 **or executive official to provide information or data on, without the intent to influence, or**
28 **attempt to influence, legislative action.**

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

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

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

37 171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government Ethics
38 Commission shall:

39 (1) Prescribe by rule forms for registrations, statements and reports required to be filed by ORS
40 171.725 to 171.785 and provide the forms to persons required to register and to file the statements
41 and reports.

42 (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS
43 171.725 to 171.785.

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

1 cost.

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

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

6 (6) Make statements **and information contained within the statements** filed under ORS
7 171.745 and 171.750 available in a searchable format for review by the public using the Internet.

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

9 (a) **For each bill or measure reported on by a lobbyist under ORS 171.745:**

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

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

16 (C) **The name of each lobbyist that has engaged in lobbying activities for the purpose of**
17 **seeking amendments to the bill or measure, and the name of the person or entity that hired**
18 **each lobbyist identified in this subparagraph.**

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

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

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

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

26 (D) **The total amount of all moneys expended by the person or entity on each lobbyist**
27 **identified in subparagraph (A) of this paragraph for lobbying activities, excluding living and**
28 **travel expenses incurred by a lobbyist performing lobbying services, for the purpose of lob-**
29 **bying.**

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

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

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

39 (C) **Each bill or measure that is introduced before the Legislative Assembly for which the**
40 **lobbyist engaged in lobbying activities for the purpose of seeking amendments to the bill or**
41 **measure, and the name of the person or entity that hired the lobbyist for each bill or**
42 **measure identified in this subparagraph;**

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

1 **(E) The total amount of all moneys expended by each person or entity that hired the**
2 **lobbyist on the lobbyist for lobbying activities, excluding living and travel expenses incurred**
3 **by a lobbyist performing lobbying services, for the purpose of lobbying.**

4 **SECTION 4. Section 5 of this 2017 Act is added to and made a part of ORS 171.725 to**
5 **171.785.**

6 **SECTION 5. (1) The information that a lobbyist is required to file with the Oregon Gov-**
7 **ernment Ethics Commission under ORS 171.745 (1)(c) and (d) must be accurate on the date**
8 **the information is filed. If the position of a lobbyist with respect to a bill or measure changes**
9 **between the date one statement is filed under ORS 171.745 and the date the next statement**
10 **is required to be filed, the later-filed statement must reflect the new position of the lobbyist.**

11 **(2) Except as provided in subsection (3) of this section, a lobbyist may, without penalty,**
12 **amend a statement filed under ORS 171.745 at any time before the commission receives a**
13 **complaint, or proceeds on its own motion as if the commission received a complaint, under**
14 **ORS 171.778.**

15 **(3) The commission may not fine a lobbyist for filing false or inaccurate information re-**
16 **quired under ORS 171.745 (1)(c) and (d) if the commission determines that:**

17 **(a) The lobbyist mistakenly filed false or inaccurate information; and**

18 **(b) The lobbyist has not previously filed false or inaccurate information required under**
19 **ORS 171.745 (1)(c) and (d) during that calendar year.**

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

21 **171.992. (1)(a) Except as provided in paragraph (b) of this subsection, any person who vio-**
22 **lates any provision of ORS 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785,**
23 **shall forfeit and pay to the General Fund for each violation a civil penalty of not more than \$5,000,**
24 **to be determined by the Oregon Government Ethics Commission.**

25 **(b) Except as provided in section 5 (3) of this 2017 Act, a person who files false or inac-**
26 **curate information required under ORS 171.745 (1)(c) and (d) shall forfeit and pay to the**
27 **General Fund for each violation a civil penalty of not more than \$500, to be determined by**
28 **the commission.**

29 **(2)(a) The commission may impose civil penalties upon a person who fails to file the statement**
30 **required under ORS 171.745 or 171.750. In enforcing this subsection, the commission is not required**
31 **to follow the procedures in ORS 171.778 before finding that a violation of ORS 171.745 or 171.750**
32 **has occurred.**

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

35 **(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement**
36 **is late beyond the date set by law and \$50 for each day thereafter. The maximum penalty that may**
37 **be imposed under this subsection is \$5,000.**

38 **(3) A civil penalty imposed under this section may be recovered in an action brought in the**
39 **name of the State of Oregon in any court of appropriate jurisdiction or may be imposed as provided**
40 **in ORS 183.745. In any proceedings before the court, including judicial review under ORS 183.745,**
41 **the court may review the penalty as to both liability and reasonableness of amount.**

42 **(4) In lieu of or in conjunction with finding a violation of law or rule or imposing a civil penalty**
43 **under this section, the commission may issue a written letter of reprimand, explanation or education.**

44 **SECTION 7. (1) The Advisory Committee on Lobbying Transparency is established, con-**
45 **sisting of six members as follows:**

- 1 **(a) The President of the Senate shall appoint:**
2 **(A) One registered lobbyist; and**
3 **(B) One member of the Senate.**
4 **(b) The Speaker of the House of Representatives shall appoint:**
5 **(A) One registered lobbyist; and**
6 **(B) One member of the House of Representatives.**
7 **(c) The executive director of the Oregon Government Ethics Commission shall appoint**
8 **one member.**
9 **(d) The Director of the Oregon Department of Administrative Services shall appoint one**
10 **member.**
11 **(2) Members of the advisory committee serve at the pleasure of the appointing entity.**
12 **(3) Members of the advisory committee who are not members of the Legislative Assembly**
13 **are not entitled to compensation or reimbursement for expenses and serve as volunteers on**
14 **the advisory committee.**
15 **(4) The Oregon Government Ethics Commission shall provide staff support for the advi-**
16 **sory committee.**
17 **(5) The advisory committee shall advise and assist in the development, design, testing and**
18 **implementation of an Internet website that makes the information contained within the**
19 **lobbying statements filed under ORS 171.745 and 171.750 available in a searchable format for**
20 **review by the public in the manner set forth in ORS 171.772 (6).**
21 **SECTION 8.** **Section 7 of this 2017 Act is repealed on January 2, 2021.**
22 **SECTION 9.** **(1) The amendments to 171.745 by sections 1 and 2 of this 2017 Act become**
23 **operative on April 1, 2018.**
24 **(2) The amendments to ORS 171.772 by section 3 of this 2017 Act become operative on**
25 **August 1, 2020.**
26 **SECTION 10.** **(1)(a) The amendments to 171.745 by sections 1 and 2 of this 2017 Act apply**
27 **to lobbying statements filed on or after the operative date specified in section 9 (1) of this**
28 **2017 Act.**
29 **(b) For lobbying statements filed on or after the operative date specified in section 9 (1)**
30 **of this 2017 Act and before the operative date specified in section 9 (2) of this 2017 Act, the**
31 **information required to be filed under ORS 171.745 (1)(c) and (d) may be included as an at-**
32 **tachment to the lobbying statement.**
33 **(2) The amendments to ORS 171.772 by section 3 of this 2017 Act apply to all lobbyist**
34 **statements, and the information contained within lobbyist statements, filed on or after the**
35 **operative date specified in section 9 (2) of this 2017 Act.**
36 **(3) Sections 5 and 7 of this 2017 Act and the amendments to ORS 171.992 by section 6 of**
37 **this 2017 Act first apply to lobbying and the filing of lobbyist statements and updates or re-**
38 **visions to lobbyist statements that occur on or after the effective date of this 2017 Act.**
39