

A-Engrossed
Senate Bill 43

Ordered by the Senate May 12
Including Senate Amendments dated May 12

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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.

[Subject to certain exemptions, expands definition of lobbying to include person who holds position with public body or private entity and whose work responsibilities include lobbying.]

[Clarifies when lobbyist] **Revises and clarifies circumstances in which individuals, including public officials and elected public officials, must register with Oregon Government Ethics Commission and file lobbyist registration statement. Specifically exempts individuals who are not lobbyists and who meet with legislator in personal capacity from requirement to register or file statement.**

Removes sunset on lobbyist exemption from reporting to commission moneys spent on lobbying other registered lobbyists.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lobbying; creating new provisions; amending ORS 171.735, 171.740 and 171.745; repealing
3 section 3, chapter 701, Oregon Laws 2013; and declaring an emergency.

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

5 **SECTION 1.** ORS 171.735 is amended to read:

6 171.735. (1) **Except as provided in subsections (2) and (3) of this section, ORS 171.740 and**
7 **171.745 apply to any person who is a lobbyist and who:**

8 (a) **Agrees to provide personal services for money or any other consideration for the**
9 **purpose of lobbying in this state;**

10 (b) **Is not subject to paragraph (a) of this subsection, but who provides personal services**
11 **as a representative of a corporation, association, organization or other group, for the pur-**
12 **pose of lobbying in this state and who:**

13 (A) **Receives compensation as defined in ORS 292.951, money or any other consideration,**
14 **for lobbying;**

15 (B) **Spends an aggregate amount of more than 24 hours lobbying in a calendar quarter;**
16 **or**

17 (C) **Spends an aggregate amount of more than \$100 lobbying legislative officials or exec-**
18 **utive officials during a calendar quarter; or**

19 (c) **Is also a public official serving a public body as defined in ORS 174.109, and who:**

20 (A) **Holds a position with a written job description that includes lobbying;**

21 (B) **Spends an aggregate amount of more than 24 hours lobbying in a calendar quarter;**

22 **or**

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) Spends an aggregate amount of more than \$100 lobbying legislative officials or executive officials during a calendar quarter.**

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3 **(2) In determining whether the criteria set forth in subsection (1)(b)(A), (1)(b)(C) or (1)(c)(C) of this section have been satisfied, the reimbursement or amounts expended for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses, shall be excluded.**

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7 **(3)** ORS 171.740 and 171.745 do not apply to the following persons:

8 *[(1)] (a)* News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge legislative action but that engage in no other activities in connection with the legislative action.

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11 *[(2)] (b)* Any legislative official acting in an official capacity.

12 *[(3)] (c)* Any **person who does not meet the definition of lobbyist set forth in ORS 171.725 (9), including an individual meeting with a member of the Legislative Assembly in a personal capacity or an individual** who does not receive compensation or reimbursement of expenses for lobbying, who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when testifying, registers an appearance in the records of the committees or agencies.

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18 *[(4) A person who does not:]*

19 *[(a) Agree to provide personal services for money or any other consideration for the purpose of lobbying;]*

20
21 *[(b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying; and]*

22
23 *[(c) Spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.]*

24 *[(5)] (d)* The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, Deputy Superintendent of Public Instruction appointed pursuant to ORS 326.300, Commissioner of the Bureau of Labor and Industries, deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060, members and staff of the Oregon Law Commission who conduct the law revision program of the commission or any judge.

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32 **(e) An elected public official:**

33 **(A) Who is elected to serve a:**

34 **(i) Local government;**

35 **(ii) Local service district as defined in ORS 174.116; or**

36 **(iii) Special government body as defined in ORS 174.117; and**

37 **(B) Whose lobbying activities are limited to lobbying in the public official's official capacity as an elected official.**

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40 **(f) A representative of a corporation, association, organization or other group who is responsible for supervising lobbying activities of the corporation, association, organization or other group in this state or other states, but who does not spend an aggregate amount of more than 24 hours lobbying in this state during a calendar quarter.**

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44 **SECTION 2.** ORS 171.740, as amended by section 2, chapter 101, Oregon Laws 2016, is amended to read:

1 171.740. (1) Within three business days [*after exceeding the limit of time or expenditure specified*
2 *in ORS 171.735 (4), or within three business days after agreeing to provide personal services for money*
3 *or any other consideration for the purpose of lobbying,]* **of meeting the requirements for any sit-**
4 **uation described in ORS 171.735 (1), a lobbyist who is not exempt from filing a statement**
5 **under ORS 171.735 (2) or (3)** shall register with the Oregon Government Ethics Commission by
6 filing with the commission a statement containing the following information:

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

8 (b) The name, address, electronic mail address and telephone number of each person that em-
9 ploys the lobbyist or in whose interest the lobbyist appears or works.

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

13 (d) The name of any member of the Legislative Assembly employed, retained or otherwise com-
14 pensated by:

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

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

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

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

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

25 (A) Before the designation of official authorization to lobby has been signed in the manner re-
26 quired under paragraph (a) of this subsection; and

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

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

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

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

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

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

1 listed in the statement.

2 **SECTION 3.** ORS 171.745, as amended by section 2, chapter 701, Oregon Laws 2013, is amended
3 to read:

4 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
5 to register with the commission shall, according to the schedule described in ORS 171.752, file with
6 the commission a statement showing for the applicable reporting period:

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

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

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

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

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

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

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

29 **SECTION 4.** Section 3, chapter 701, Oregon Laws 2013, is repealed.

30 **SECTION 5.** If this 2017 Act does not become effective until after June 30, 2017, the re-
31 peal of section 3, chapter 701, Oregon Laws 2013, by section 4 of this 2017 Act revives section
32 1, chapter 701, Oregon Laws 2013. If this 2017 Act does not become effective until after June
33 30, 2017, this 2017 Act shall be operative retroactively to that date, and the operation and
34 effect of section 1, chapter 701, Oregon Laws 2013, shall continue unaffected from June 30,
35 2017, to the effective date of this 2017 Act and thereafter. Any otherwise lawful action taken
36 or otherwise lawful obligation incurred under the authority of section 1, chapter 701, Oregon
37 Laws 2013, after June 30, 2017, and before the effective date of this 2017 Act, is ratified and
38 approved.

39 **SECTION 6.** The amendments to ORS 171.735 and 171.740 by sections 1 and 2 of this 2017
40 Act first apply to lobbying, the registration of lobbyists and the filing of lobbyist registration
41 statements and updates or revisions to lobbyist registration statements that occur on or
42 after the effective date of this 2017 Act.

43 **SECTION 7.** This 2017 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
45 on its passage.

