

Requested by HOUSE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 43**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and 171.745” and
2 insert “, 171.745, 171.772 and 171.992”.

3 On page 4, delete lines 2 through 45 and insert:

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

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

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

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

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

18 “(a) Amounts expended by the lobbyist for personal living and travel ex-
19 penses and office overhead, including salaries and wages paid for staff and
20 secretarial assistance, and maintenance expenses[.]; **or**

21 **“(b) Amounts expended by the lobbyist on lobbying another lobbyist**

1 **who is registered with the commission or required to register with the**
2 **commission, or on lobbying any person on whose behalf a lobbyist is**
3 **registered or required to register. This paragraph does not apply if the**
4 **person lobbied is a legislative official, an executive official or a mem-**
5 **ber of a state board or commission.**

6 “(3) If the amount of any expenditure required to be included in a state-
7 ment is not accurately known at the time the statement is required to be
8 filed, an estimate of the expenditure shall be submitted in the statement and
9 designated as an estimate. The exact amount expended for which a previous
10 estimate was made shall be submitted in a subsequent report when the in-
11 formation is available.

12 “(4) A statement required by this section shall include a copy of any no-
13 tice provided to a public official or candidate under ORS 244.100.

14 **“SECTION 4.** ORS 171.745, as amended by section 2, chapter 701, Oregon
15 Laws 2013, and section 3 of this 2017 Act, is amended to read:

16 “171.745. (1) A lobbyist registered with the Oregon Government Ethics
17 Commission or required to register with the commission shall, according to
18 the schedule described in ORS 171.752, file with the commission a statement
19 showing for the applicable reporting period:

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

22 “(b) The name of any legislative official or executive official to whom or
23 for whose benefit, on any one occasion, an expenditure is made for the pur-
24 poses of lobbying, and the date, name of payee, purpose and amount of that
25 expenditure. This paragraph applies if the total amount expended on the oc-
26 casion by one or more persons exceeds \$50.

27 **“(c)(A) Each bill or measure that is introduced before the Legisla-**
28 **tive Assembly for which the lobbyist has engaged in lobbying activ-**
29 **ities.**

30 **“(B) For each bill or measure reported under subparagraph (A) of**

1 **this paragraph:**

2 **“(i) A statement as to whether the lobbyist engaged in lobbying**
3 **activities in support of the bill or measure, in opposition to the bill**
4 **or measure or for the purpose of seeking amendments to the bill or**
5 **measure; and**

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

8 **“(d)(A) A listing of each legislative topic for which the lobbyist has**
9 **engaged in lobbying activities that is not part of a bill or measure that**
10 **is introduced before the Legislative Assembly reported under para-**
11 **graph (c) of this subsection.**

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

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

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

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

25 **“(c) References to a bill, measure or legislative topic that the**
26 **lobbyist:**

27 **“(A) Monitored, but did not influence, or attempt to influence, leg-**
28 **islative action on;**

29 **“(B) Supported or opposed, but did not influence, or attempt to in-**
30 **fluence, legislative action on; or**

1 **“(C) Provided information or data on, or responded to a request**
2 **from a legislative official or an executive official to provide informa-**
3 **tion or data on, without the intent to influence, or attempt to influ-**
4 **ence, legislative action.**

5 “(3) If the amount of any expenditure required to be included in a state-
6 ment is not accurately known at the time the statement is required to be
7 filed, an estimate of the expenditure shall be submitted in the statement and
8 designated as an estimate. The exact amount expended for which a previous
9 estimate was made shall be submitted in a subsequent report when the in-
10 formation is available.

11 “(4) A statement required by this section shall include a copy of any no-
12 tice provided to a public official or candidate under ORS 244.100.

13 **“SECTION 5. The amendments to ORS 171.745 by section 4 of this**
14 **2017 Act become operative on April 1, 2018.**

15 **“SECTION 6. Section 3, chapter 701, Oregon Laws 2013, as amended**
16 **by section 1, chapter 813, Oregon Laws 2015, is repealed.**

17 **“SECTION 7. If this 2017 Act does not become effective until after**
18 **June 30, 2017, the amendments to ORS 171.745 by section 3 of this 2017**
19 **Act and the repeal of section 3, chapter 701, Oregon Laws 2013, by**
20 **section 6 of this 2017 Act revive the amendments to ORS 171.745 by**
21 **section 1, chapter 701, Oregon Laws 2013. If this 2017 Act does not be-**
22 **come effective until after June 30, 2017, this 2017 Act shall be operative**
23 **retroactively to that date, and the operation and effect of the amend-**
24 **ments to ORS 171.745 by section 1, chapter 701, Oregon Laws 2013, shall**
25 **continue unaffected from June 30, 2017, to the effective date of this**
26 **2017 Act. Any otherwise lawful action taken or otherwise lawful obli-**
27 **gation incurred under the authority of ORS 171.745, as amended by**
28 **section 1, chapter 701, Oregon Laws 2013, after June 30, 2017, and be-**
29 **fore the effective date of this 2017 Act, is ratified and approved.**

30 **“SECTION 8. ORS 171.772 is amended to read:**

1 “171.772. In carrying out the provisions of ORS 171.725 to 171.785, the
2 Oregon Government Ethics Commission shall:

3 “(1) Prescribe by rule forms for registrations, statements and reports re-
4 quired to be filed by ORS 171.725 to 171.785 and provide the forms to persons
5 required to register and to file the statements and reports.

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

8 “(3) Make registrations, statements and reports filed available for public
9 inspection and copying during regular office hours, and make copying facil-
10 ities available at a charge not to exceed actual cost.

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

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

17 “(6) Make statements **and information contained within the state-**
18 **ments** filed under ORS 171.745 and 171.750 available in a searchable format
19 for review by the public using the Internet. **The searchable format must**
20 **permit the public to view:**

21 “**(a) For each bill or measure reported on by a lobbyist under ORS**
22 **171.745:**

23 “**(A) The name of each lobbyist who has engaged in lobbying activ-**
24 **ities in support of the bill or measure, and the name of the person or**
25 **entity that hired each lobbyist identified in this subparagraph;**

26 “**(B) The name of each lobbyist who has engaged in lobbying activ-**
27 **ities in opposition to the bill or measure, and the name of the person**
28 **or entity that hired each lobbyist identified in this subparagraph; and**

29 “**(C) The name of each lobbyist who has engaged in lobbying activ-**
30 **ities for the purpose of seeking amendments to the bill or measure,**

1 and the name of the person or entity that hired each lobbyist identified
2 in this subparagraph.

3 “(b) For each person or entity that hired a lobbyist:

4 “(A) The name of each lobbyist hired by the person or entity;

5 “(B) Each bill or measure that is introduced before the Legislative
6 Assembly for which each lobbyist identified in subparagraph (A) of this
7 paragraph engaged in lobbying activities;

8 “(C) Each legislative topic other than a bill or measure before the
9 Legislative Assembly for which each lobbyist identified in subpara-
10 graph (A) of this paragraph engaged in lobbying activities; and

11 “(D) The total amount of all moneys expended by the person or
12 entity on each lobbyist identified in subparagraph (A) of this para-
13 graph for lobbying activities, excluding living and travel expenses in-
14 curred by a lobbyist performing lobbying services, for the purpose of
15 lobbying.

16 “(c) For each lobbyist:

17 “(A) Each bill or measure that is introduced before the Legislative
18 Assembly for which the lobbyist engaged in lobbying activities in sup-
19 port of the bill or measure, and the name of the person or entity that
20 hired the lobbyist for each bill or measure identified in this subpara-
21 graph;

22 “(B) Each bill or measure that is introduced before the Legislative
23 Assembly for which the lobbyist engaged in lobbying activities in op-
24 position to the bill or measure, and the name of the person or entity
25 that hired the lobbyist for each bill or measure identified in this sub-
26 paragraph;

27 “(C) Each bill or measure that is introduced before the Legislative
28 Assembly for which the lobbyist engaged in lobbying activities for the
29 purpose of seeking amendments to the bill or measure, and the name
30 of the person or entity that hired the lobbyist for each bill or measure

1 **identified in this subparagraph;**

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

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

10 **“SECTION 9. Section 10 of this 2017 Act is added to and made a part**
11 **of ORS 171.725 to 171.785.**

12 **“SECTION 10. (1) The information that a lobbyist is required to file**
13 **with the Oregon Government Ethics Commission under ORS 171.745**
14 **(1)(c) and (d) must be accurate on the date the information is filed.**
15 **If the position of a lobbyist with respect to a bill or measure changes**
16 **between the date one statement is filed under ORS 171.745 and the date**
17 **the next statement is required to be filed, the later-filed statement**
18 **must reflect the new position of the lobbyist.**

19 **“(2) Except as provided in subsection (3) of this section, a lobbyist**
20 **may, without penalty, amend a statement filed under ORS 171.745 at**
21 **any time before the commission receives a complaint, or proceeds on**
22 **the commission’s own motion as if the commission received a com-**
23 **plaint, under ORS 171.778.**

24 **“(3) The commission may not fine a lobbyist for filing false or in-**
25 **accurate information required under ORS 171.745 (1)(c) and (d) if the**
26 **commission determines that:**

27 **“(a) The lobbyist mistakenly filed false or inaccurate information;**
28 **and**

29 **“(b) The lobbyist has not previously filed false or inaccurate infor-**
30 **mation required under ORS 171.745 (1)(c) and (d) during that calendar**

1 **year.**

2 **“SECTION 11.** ORS 171.992 is amended to read:

3 **“171.992. (1)(a) Except as provided in paragraph (b) of this sub-**
4 **section,** any person who violates any provision of ORS 171.740 to 171.762,
5 or any rule adopted under ORS 171.725 to 171.785, shall forfeit and pay to the
6 General Fund for each violation a civil penalty of not more than \$5,000, to
7 be determined by the Oregon Government Ethics Commission.

8 **“(b) Except as provided in section 10 (3) of this 2017 Act, a person**
9 **who files false or inaccurate information required under ORS 171.745**
10 **(1)(c) and (d) shall forfeit and pay to the General Fund for each vio-**
11 **lation a civil penalty of not more than \$500, to be determined by the**
12 **commission.**

13 **“(2)(a)** The commission may impose civil penalties upon a person who fails
14 to file the statement required under ORS 171.745 or 171.750. In enforcing this
15 subsection, the commission is not required to follow the procedures in ORS
16 171.778 before finding that a violation of ORS 171.745 or 171.750 has occurred.

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

19 **“(c)** The commission may impose a civil penalty of \$10 for each of the first
20 14 days the statement is late beyond the date set by law and \$50 for each
21 day thereafter. The maximum penalty that may be imposed under this sub-
22 section is \$5,000.

23 **“(3)** A civil penalty imposed under this section may be recovered in an
24 action brought in the name of the State of Oregon in any court of appro-
25 priate jurisdiction or may be imposed as provided in ORS 183.745. In any
26 proceedings before the court, including judicial review under ORS 183.745,
27 the court may review the penalty as to both liability and reasonableness of
28 amount.

29 **“(4)** In lieu of or in conjunction with finding a violation of law or rule
30 or imposing a civil penalty under this section, the commission may issue a

1 written letter of reprimand, explanation or education.

2 **“SECTION 12. (1) The Advisory Committee on Lobbying Transpar-**
3 **ency is established, consisting of six members as follows:**

4 **“(a) The President of the Senate shall appoint:**

5 **“(A) One registered lobbyist; and**

6 **“(B) One member of the Senate.**

7 **“(b) The Speaker of the House of Representatives shall appoint:**

8 **“(A) One registered lobbyist; and**

9 **“(B) One member of the House of Representatives.**

10 **“(c) The executive director of the Oregon Government Ethics**
11 **Commission shall appoint one member.**

12 **“(d) The Director of the Oregon Department of Administrative**
13 **Services shall appoint one member.**

14 **“(2) Members of the advisory committee serve at the pleasure of the**
15 **appointing entity.**

16 **“(3) Members of the advisory committee who are not members of**
17 **the Legislative Assembly are not entitled to compensation or re-**
18 **imbursement for expenses and serve as volunteers on the advisory**
19 **committee.**

20 **“(4) The Oregon Government Ethics Commission shall provide staff**
21 **support for the advisory committee.**

22 **“(5) The advisory committee shall advise and assist in the develop-**
23 **ment, design, testing and implementation of an Internet website that**
24 **makes the information contained within the lobbying statements filed**
25 **under ORS 171.745 and 171.750 available in a searchable format for re-**
26 **view by the public in the manner set forth in ORS 171.772 (6).**

27 **“SECTION 13. Section 12 of this 2017 Act is repealed on January 2,**
28 **2021.**

29 **“SECTION 14. The amendments to ORS 171.772 by section 8 of this**
30 **2017 Act becomes operative on August 1, 2020.**

1 **“SECTION 15. (1) The amendments to ORS 171.735 and 171.740 by**
2 **sections 1 and 2 of this 2017 Act first apply to lobbying, the registration**
3 **of lobbyists and the filing of lobbyist registration statements and up-**
4 **dates or revisions to lobbyist registration statements that occur on or**
5 **after the effective date of this 2017 Act.**

6 **“(2)(a) The amendments to ORS 171.745 by section 4 of this 2017 Act**
7 **apply to lobbying statements filed on or after the operative date spec-**
8 **ified in section 5 of this 2017 Act.**

9 **“(b) For lobbying statements filed on or after the operative date**
10 **specified in section 5 of this 2017 Act and before the operative date**
11 **specified in section 14 of this 2017 Act, the information required to be**
12 **filed under ORS 171.745 (1)(c) and (d) may be included as an attach-**
13 **ment to the lobbying statement.**

14 **“(3) The amendments to ORS 171.772 by section 8 of this 2017 Act**
15 **apply to all lobbyist statements, and the information contained within**
16 **lobbyist statements, filed on or after the operative date specified in**
17 **section 14 of this 2017 Act.**

18 **“(4) Section 10 of this 2017 Act and the amendments to ORS 171.992**
19 **by section 11 of this 2017 Act first apply to lobbying and the filing of**
20 **lobbyist statements and updates or revisions to lobbyist statements**
21 **that occur on or after April 1, 2018.**

22 **“SECTION 16. This 2017 Act being necessary for the immediate**
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2017 Act takes effect on its passage.”.**

25
