

HB 2577-5
(LC 1885)
3/27/17 (DRG/ps)

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 2577**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “171.745, 171.772 and 171.992.”.

3 Delete lines 18 through 20 and insert:

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

7 On page 2, delete lines 2 and 3.

8 In line 7, delete “or”

9 In line 11, delete the period and insert “; or

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

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

13 “(B) Supported or opposed, but did not influence, or attempt to influence,
14 legislative action on; or

15 “(C) Provided information or data on, or responded to a request from a
16 legislative official or executive official to provide information or data on,
17 without the intent to influence, or attempt to influence, legislative action.”.

18 Delete lines 33 through 35 and insert:

19 “(i) A statement as to whether the lobbyist engaged in lobbying activities
20 in support of the bill or measure, in opposition to the bill or measure or for
21 the purpose of seeking amendments to the bill or measure; and”.

1 Delete lines 43 through 45.

2 On page 3, delete lines 1 and 2 and insert:

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

4 “(a) Amounts expended by the lobbyist for personal living and travel ex-
5 penses and office overhead, including salaries and wages paid for staff and
6 secretarial assistance, and maintenance expenses; or

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

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

10 “(B) Supported or opposed, but did not influence, or attempt to influence,
11 legislative action on; or

12 “(C) Provided information or data on, or responded to a request from a
13 legislative official or executive official to provide information or data on,
14 without the intent to influence, or attempt to influence, legislative action.”.

15 In line 28 delete “that is introduced before the Legislative Assembly” and
16 insert “reported on by a lobbyist under ORS 171.745”.

17 Delete lines 35 through 38 and insert:

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

22 On page 4, delete lines 1 and 2 and insert:

23 “(D) The total amount of all moneys expended by the person or entity on
24 each lobbyist identified in subparagraph (A) of this paragraph for lobbying
25 activities, excluding living and travel expenses incurred by a lobbyist per-
26 forming lobbying services, for the purpose of lobbying.”.

27 Delete lines 12 through 16 and insert:

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

1 or entity that hired the lobbyist for each bill or measure identified in this
2 subparagraph;”.

3 Delete lines 20 through 45 and delete pages 5 and 6 and insert:

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

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

10 **“SECTION 5. (1) The information that a lobbyist is required to file
11 with the Oregon Government Ethics Commission under ORS 171.745
12 (1)(c) and (d) must be accurate on the date the information is filed.
13 If the position of a lobbyist with respect to a bill or measure changes
14 between the date one statement is filed under ORS 171.745 and the date
15 the next statement is required to be filed, the later-filed statement
16 must reflect the new position of the lobbyist.**

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

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

25 **“(a) The lobbyist mistakenly filed false or inaccurate information;
26 and**

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

30 **“SECTION 6. ORS 171.992 is amended to read:**

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

6 “(b) **Except as provided in section 5 (3) of this 2017 Act, a person**
7 **who files false or inaccurate information required under ORS 171.745**
8 **(1)(c) and (d) shall forfeit and pay to the General Fund for each vio-**
9 **lation a civil penalty of not more than \$500, to be determined by the**
10 **commission.**

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

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

17 “(c) The commission may impose a civil penalty of \$10 for each of the first
18 14 days the statement is late beyond the date set by law and \$50 for each
19 day thereafter. The maximum penalty that may be imposed under this sub-
20 section is \$5,000.

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

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

30 “**SECTION 7. (1) The Advisory Committee on Lobbying Transpar-**

1 **ency is established, consisting of six members as follows:**

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

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

4 **“(B) One member of the Senate.**

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

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

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

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

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

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

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

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

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

25 **“SECTION 8. Section 7 of this 2017 Act is repealed on January 2,**
26 **2021.**

27 **“SECTION 9. (1) The amendments to 171.745 by sections 1 and 2 of**
28 **this 2017 Act become operative on April 1, 2018.**

29 **“(2) The amendments to ORS 171.772 by section 3 of this 2017 Act**
30 **become operative on August 1, 2020.**

1 **“SECTION 10. (1)(a) The amendments to 171.745 by sections 1 and 2**
2 **of this 2017 Act apply to lobbying statements filed on or after the op-**
3 **erative date specified in section 9 (1) of this 2017 Act.**

4 **“(b) For lobbying statements filed on or after the operative date**
5 **specified in section 9 (1) of this 2017 Act and before the operative date**
6 **specified in section 9 (2) of this 2017 Act, the information required to**
7 **be filed under ORS 171.745 (1)(c) and (d) may be included as an at-**
8 **tachment to the lobbying statement.**

9 **“(2) The amendments to ORS 171.772 by section 3 of this 2017 Act**
10 **apply to all lobbyist statements, and the information contained within**
11 **lobbyist statements, filed on or after the operative date specified in**
12 **section 9 (2) of this 2017 Act.**

13 **“(3) Sections 5 and 7 of this 2017 Act and the amendments to ORS**
14 **171.992 by section 6 of this 2017 Act first apply to lobbying and the fil-**
15 **ing of lobbyist statements and updates or revisions to lobbyist state-**
16 **ments that occur on or after the effective date of this 2017 Act.”.**

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