

# House Bill 2277

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Government Ethics Commission)

## 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 **as introduced**.

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.

## A BILL FOR AN ACT

1  
2 Relating to identifying individuals who are required to report as lobbyists; creating new provisions;  
3 and amending ORS 171.735 and 171.740.

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 purpose**  
12 **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 during a calendar quarter;**

18 **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**

23 (C) **Spends an aggregate amount of more than \$100 lobbying during a calendar quarter.**

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

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

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

**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 the legislative action.

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

3 [(3)] (c) Any **person who is not a lobbyist, including an** individual who does not receive  
 4 compensation or reimbursement of expenses for lobbying, **who meets with a member of the Leg-**  
 5 **islative Assembly in a personal capacity or** who limits lobbying activities solely to formal ap-  
 6 pearances to give testimony before public sessions of committees of the Legislative Assembly, or  
 7 public hearings of state agencies, and who, when testifying, registers an appearance in the records  
 8 of the committees or agencies.

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

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

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

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

15 [(5)] (d) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor,  
 16 legal counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy  
 17 Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer ap-  
 18 pointed pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney Gen-  
 19 eral, Deputy Attorney General appointed pursuant to ORS 180.130, Deputy Superintendent of Public  
 20 Instruction appointed pursuant to ORS 326.300, Commissioner of the Bureau of Labor and Industries,  
 21 deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060,  
 22 members and staff of the Oregon Law Commission who conduct the law revision program of the  
 23 commission or any judge.

24 (e) **A public official serving in an elected office:**

25 (A) **Who is elected or appointed to serve a:**

26 (i) **Local government;**

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

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

29 (B) **Whose lobbying activities are limited to lobbying in the public official's official ca-**  
 30 **capacity in an elected office.**

31 (f) **A representative of a corporation, association, organization or other group whose re-**  
 32 **sponsibilities are limited to supervising lobbying activities of the corporation, association,**  
 33 **organization or other group in this state or other states, but who does not spend an aggre-**  
 34 **gate amount of more than 24 hours lobbying in this state during a calendar quarter.**

35 **SECTION 2.** ORS 171.740 is amended to read:

36 171.740. (1) Within three business days [*after exceeding the limit of time or expenditure specified*  
 37 *in ORS 171.735 (4), or within three business days after agreeing to provide personal services for money*  
 38 *or any other consideration for the purpose of lobbying,*] **of meeting the requirements in ORS**  
 39 **171.735 (1), a lobbyist who is not exempt from filing a statement under ORS 171.735 (3) shall**  
 40 register with the Oregon Government Ethics Commission by filing with the commission a statement  
 41 containing the following information:

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

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

45 (c) A general description of the trade, business, profession or area of endeavor of any person

1 designated under paragraph (b) of this subsection, and a statement by the person that the lobbyist  
 2 is officially authorized to lobby for the person.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **SECTION 3. The amendments to ORS 171.735 and 171.740 by sections 1 and 2 of this 2019**  
 38 **Act first apply to lobbying, the registration of lobbyists and the filing of lobbyist registration**  
 39 **statements and updates or revisions to lobbyist registration statements that occur on or**  
 40 **after the effective date of this 2019 Act.**