

Senate Bill 1580

Sponsored by Senator PHAM K, Representative GOMBERG, Senator GELSER BLOUIN; Senators FREDERICK, JAMA, NERON MISSLIN, Representatives CHAICHI, CHOTZEN, GAMBA, HARBICK, MCDONALD, MUÑOZ, WISE (Presession 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Requires a covered platform to have an agreement in order to access the online content of a news provider. Creates a group for civic information to give grants. (Flesch Readability Score: 62.7).

Prohibits an online news aggregating platform from accessing for an Oregon audience the online content of a digital journalism provider without an agreement. Specifies requirements that an agreement must meet.

Creates a private cause of action that a digital journalism provider may bring against a platform if the platform accesses for an Oregon audience the online content of the digital journalism provider without an agreement or fails to comply with an agreement. Allows for the recovery of the greater of statutory or actual damages, and for punitive damages.

Bars a cause of action if the platform is participating in arbitration or in compliance with a final arbitration order, judgment or settlement agreement. Bars a cause of action for access that occurs between January 1, 2027, and December 31, 2028, if the platform elects to pay a certain sum amount.

Allows a platform or group of digital journalism providers to initiate an arbitration process to determine a percentage of the platform's advertising revenue to be remitted to the digital journalism providers.

Requires platforms to report annually certain information about compensation paid to digital journalism providers.

Establishes the Oregon Civic Information Consortium. Directs the consortium to award grants for applicants that seek to improve civic information.

A BILL FOR AN ACT

1 2 Relating to compensation for journalism.

3 4 Whereas a free and diverse fourth estate was critical in the founding of American democracy
5 and continues to be the lifeblood of a functional democratic society, and communities without local
news lose touch with government, business, education and neighbors; and

6 7 Whereas everyday journalism plays an essential role in Oregon life, and supporting the ability
8 of local news organizations to continue to provide the public with critical information about their
communities and enabling publishers to receive fair market value for their content that is monetized
9 by platforms will preserve and ensure the sustainability of local and diverse news outlets; and

10 11 Whereas two major technology platform companies, Google and Meta, currently crawl Oregon
12 publishers' news content and are being prosecuted by the federal government on allegations of op-
erating as anticompetitive monopolies in violation of the federal Sherman Act, and Oregon has a
13 compelling interest in protecting businesses that report and distribute news from unfair business
14 practices; and

15 16 Whereas in April 2025, U.S. District Judge Leonie M. Brinkema found that "Google has willfully
17 engaged in a series of anticompetitive acts to acquire and maintain monopoly power" in digital ad-
18 vertising markets and "substantially harmed Google's publisher customers, the competitive process,
and, ultimately, consumers of information on the open web" and, in August 2024, U.S. District Judge

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 Amit Mehta found that in the markets for general search services and general search ads, “Google
2 is a monopolist, and it has acted as one to maintain its monopoly” and “earn monopoly profits”; and

3 Whereas an antitrust complaint filed against Meta by the Federal Trade Commission in January
4 2021 charged that “Facebook holds monopoly power in the market for personal social networking
5 services . . . in the United States, which it enjoys primarily through its control of the largest and
6 most profitable social network in the world”; and

7 Whereas the bulk of advertising budgets are now going to platforms like Google and Meta in
8 what has been described as a duopoly, which, coupled with the monopolization of the Internet search
9 market, has directly caused harm to news outlets, as demonstrated and documented in numerous
10 studies, including the United States House of Representatives Committee on the Judiciary, Subcom-
11 mittee on Antitrust, Commercial and Administrative Law Majority Staff Report and Recommen-
12 dations on Investigation of Competition in Digital Markets; “Addressing the Power Imbalance
13 Between News Publishers and Digital Platforms: A Legislative Proposal for Effectuating Competitive
14 Payments to Newspapers,” Hal J. Singer, Managing Director of Econ One and Adjunct Professor of
15 Georgetown’s McDonough School of Business, Written Comments in Response to U.S. Copyright
16 Office’s Publishers’ Protection Study; and “Paying for News: What Google and Meta Owe US Pub-
17 lishers,” Initiative for Policy Dialogue, Columbia University, the final of which provides a basis for
18 calculating the quantification of this harm to publishers and broadcasters serving an Oregon audi-
19 ence; and

20 Whereas according to a report by the University of Oregon School of Journalism and
21 Communication’s Agora Journalism Center, 18 Oregon news outlets closed or went out of business
22 between the years 2022 and 2025, and other Oregon news outlets have undergone corporate mergers,
23 budget cuts and layoffs in newsrooms, and local news outlets have been destabilized both by the loss
24 of advertising and by the way those platforms draw audiences away into other online content while
25 algorithmically altering how readily local news appears in web searches and social media feeds; and

26 Whereas Google agreed to a \$391.5 million settlement with the State of Oregon in 2022 over the
27 platform’s deceptive practices of tracking user location data even when a user turned a tracking
28 setting off, and in 2025 Google will pay a \$1.4 billion settlement to the State of Texas based on
29 allegations that Google misled consumers about its data practices by continuing to collect and use
30 sensitive information even when users believed they had opted out, and making misleading claims
31 and misrepresentations about its practices, which follows previous settlements for \$700 million and
32 \$8 million for anticompetitive and deceptive trade practices; and

33 Whereas in 2023 the State of Oregon sued Meta for knowingly designing and deploying harmful
34 features on its platforms that purposefully addict children and teens while falsely assuring the public
35 that these features are safe and suitable for young users, and in 2025 Meta will pay a \$1.4 billion
36 settlement to the State of Texas for unlawfully collecting and using facial recognition data, the
37 largest settlement ever obtained from an action brought by a single state; and

38 Whereas in 2015 and 2016 Google created Google AMP as a competitor to Facebook Instant
39 Articles, and Google placed itself in the middle of the relationship between news organizations and
40 their users by marketing the benefits of AMP adoption to news organizations, resulting in the user
41 no longer visiting news organizations’ websites directly, but instead viewing a copy of the article
42 hosted on Google’s servers inside its “walled garden”; and

43 Whereas many United States news publishers adopted Google AMP because Google locked
44 non-AMP pages out of features like the “Top Stories” carousel and Google News, and, following
45 adoption, some publishers reported that AMP pages generated less advertising revenue per page

1 than non-AMP pages; and

2 Whereas Google AMP preferential rankings have now been discontinued by the platform; now,
3 therefore,

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

5 **SECTION 1. Definitions.** As used in sections 1 to 11 of this 2026 Act:

6 (1) "Access" means to acquire, crawl or index online content.

7 (2) "Access for an Oregon audience" means to access online content for the purpose of
8 monetizing the online content by aggregating, distributing, rendering or displaying the online
9 content for an end user located in this state.

10 (3) "Advertising revenue" means revenue generated through the sale of digital advertis-
11 ing impressions that are served to end users in this state through an online platform.

12 (4) "Broadcaster" means a person that:

13 (a) Holds or operates under a license issued by the Federal Communications Commission
14 under subchapter III, chapter 5, Title 47 of the United States Code, and has held or operated
15 under the license for the previous two years;

16 (b) Engages professionals to create, edit, produce and distribute original content con-
17 cerning local, regional, national or international matters of public interest through activities,
18 including conducting interviews, observing current events, analyzing documents and other
19 information or fact-checking through multiple firsthand or secondhand news sources;

20 (c) Provides information to an Oregon audience and has provided information to an
21 Oregon audience for the previous two years;

22 (d) Updates its content on at least a weekly basis; and

23 (e) Uses an editorial process for error correction and clarification, including a transpar-
24 ent process for reporting errors or complaints to the broadcaster.

25 (5) "Covered platform" means a business that:

26 (a) Operates one or more online platforms;

27 (b) Accesses online content;

28 (c) Aggregates, distributes, renders or displays online content that the covered platform
29 accesses;

30 (d) Earns less than 50 percent of its annual revenue, as calculated at the level of the
31 ultimate corporate parent, from the manufacturing and sales to consumers of company-
32 branded devices and hardware; and

33 (e) At any point during the last 12-month period:

34 (A) Had at least 50 million monthly active users or subscribers in the United States
35 across the covered platform's online platforms; and

36 (B) Had or is owned or controlled by a parent corporation with:

37 (i) Annual revenues or a market capitalization in the United States that is greater than
38 \$550 billion, adjusted annually for inflation since 2026 based on the Consumer Price Index for
39 All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-
40 tics of the United States Department of Labor; or

41 (ii) At least one billion worldwide monthly active users across the covered platform's or
42 parent corporation's online platforms.

43 (6) "Digital journalism provider" means a publisher or broadcaster that publicly discloses
44 its ownership.

45 (7) "Freelancer" means an individual, or an organization composed of no more than one

1 individual, hired or retained as a bona fide independent contractor by a digital journalism
2 provider to perform one or more functions of a news journalist as described in subsection
3 (8)(b) of this section for the primary purpose of producing content for an Oregon audience.

4 (8) "News journalist" means an individual who is:

5 (a) Employed for an average of at least 30 hours per week during a calendar quarter as
6 an employee of a digital journalism provider to carry out the activities of gathering, devel-
7 oping, preparing, directing the recording of, producing, collecting, photographing, recording,
8 writing, editing, reporting, designing, presenting or publishing original news or information
9 that concerns local, regional, national or international matters of public interest.

10 (b) A member of a limited liability company that is a digital journalism provider and who
11 carries out for an average of at least 30 hours per week during a calendar quarter the ac-
12 tivities of gathering, developing, preparing, directing the recording of, producing, collecting,
13 photographing, recording, writing, editing, reporting, designing, presenting or publishing or-
14 ginal news or information that concerns local, regional, national or international matters
15 of public interest.

16 (9) "Online platform" includes an Internet website, online service, online application,
17 mobile application or digital assistant.

18 (10) "Publisher" means a person that publishes an Internet website, online or mobile ap-
19 plication or other digital service that:

20 (a) Provides information to an Oregon audience and has provided information to an
21 Oregon audience for the previous two years;

22 (b) Performs a public information function comparable to that traditionally served by
23 newspapers and other periodical news publications;

24 (c) Engages professionals to create, edit, produce and distribute original content or con-
25 tent for which a valid license has been obtained concerning local, regional, national or
26 international matters of public interest through activities, including conducting interviews,
27 observing current events, analyzing documents and other information or fact-checking
28 through multiple firsthand or secondhand news sources;

29 (d) Updates its content on at least a weekly basis;

30 (e) Has an editorial process for error correction and clarification, including a transparent
31 process for reporting errors or complaints to the publication;

32 (f) Meets one of the following criteria:

33 (A) Has generated at least \$100,000 in annual revenue from its content in the previous
34 calendar year;

35 (B) Had an International Standard Serial Number assigned to an affiliated periodical be-
36 fore January 1, 2026; or

37 (C) Is owned or controlled by an organization exempt from federal income taxation under
38 section 501(c)(3) of the Internal Revenue Code, as amended;

39 (g) Has at least 51 percent of its content consisting of information about topics of current
40 local, regional, national or international public interest; and

41 (h) Is not controlled or wholly or partially owned by one of the following:

42 (A) An entity that is a foreign power or an agent of a foreign power, as defined in 50
43 U.S.C. 1801;

44 (B) An entity that is designated as a foreign terrorist organization pursuant to 8 U.S.C.
45 1189;

1 (C) An entity that is a terrorist organization, as defined in 8 U.S.C. 1182;
2 (D) An entity that is designated as a specially designated global terrorist organization
3 under federal Executive Order 13224;
4 (E) An entity that is an affiliate of an entity described in subparagraph (A), (B), (C) or
5 (D) of this paragraph; or
6 (F) An entity that has been convicted of violating, or attempting to violate, 18 U.S.C.
7 2332b or 2339A.

8 (11) "Qualified arbitrator" means an arbitration organization that has arbitration rules
9 and procedures established for at least one year prior to the initiation of the arbitration.

10 (12) "Representative" means a labor organization designated as the exclusive bargaining
11 representative of news journalists or support staff for the purposes of collective bargaining
12 in accordance with applicable state or federal law.

13 (13) "Support staff" means an individual who performs nonexecutive functions, such as
14 payroll, human resources, fundraising and grant support, advertising and sales, community
15 events and partnerships, technical support, sanitation or security.

16 SECTION 2. Accessing online content of digital journalism provider; agreement required.

17 (1) A covered platform may not access for an Oregon audience the online content of a digital
18 journalism provider unless the covered platform and digital journalism provider have an
19 agreement that meets the requirements of subsection (2) of this section and the covered
20 platform is in compliance with the agreement.

21 (2) An agreement between a covered platform and a digital journalism provider that al-
22 lows for the covered platform to access for an Oregon audience the online content of the
23 digital journalism provider must meet the following requirements:

24 (a) Be in writing;

25 (b) Be a standalone agreement that covers the compensation to be paid by the covered
26 platform in exchange for accessing for an Oregon audience the online content of the digital
27 journalism provider;

28 (c) Require the covered platform to compensate the digital journalism provider for ac-
29 ccessing for an Oregon audience the online content of the digital journalism provider and
30 specify the amount or rate of the compensation;

31 (d) May not permit the covered platform to provide a service or added value in lieu of
32 paying compensation for accessing for an Oregon audience the online content of the digital
33 journalism provider;

34 (e) May not be conditioned on or tied to any other products or services;

35 (f) Provide for an audit of the covered platform's access of the online content of the
36 digital journalism provider; and

37 (g) Prohibit the covered platform from selling or licensing to a third party:

38 (A) The online content of the digital journalism provider that the covered platform ac-
39 ccesses; or

40 (B) Any data the covered platform collects or maintains in accessing the online content
41 of the digital journalism provider.

42 SECTION 3. Civil action; accessing content without agreement; noncompliance with
43 agreement; remedies. (1) A digital journalism provider may bring a civil action against a
44 covered platform if:

45 (a) The covered platform accesses for an Oregon audience the online content of a digital

1 journalism provider without an agreement between the covered platform and digital
2 journalism provider that meets the requirements of section 2 of this 2026 Act; or
3 (b) The covered platform is not in compliance with an agreement between the covered
4 platform and digital journalism provider that meets the requirements of section 2 of this 2026
5 Act.

6 (2) The digital journalism provider may recover actual damages or statutory damages of
7 \$1,000 per access that the covered platform carried out in violation of section 2 of this 2026
8 Act, whichever is greater. The court or the jury may award punitive damages. The court
9 may provide any equitable relief the court considers necessary or proper.

10 (3) The court may award reasonable attorney fees and costs at trial and on appeal to a
11 prevailing plaintiff in an action under this section. The court may award reasonable attorney
12 fees and costs at trial and on appeal to a prevailing defendant only if the court finds that
13 an objectively reasonable basis for bringing the action or asserting the ground for appeal did
14 not exist.

15 (4) The court may not award attorney fees to a prevailing defendant under the provisions
16 of subsection (3) of this section if the action under this section is maintained as a class
17 action pursuant to ORCP 32.

18 (5) An action under this section must be commenced within one year from the discovery
19 of the access that gave rise to the claim for relief.

20 (6) The remedy provided under this section is in addition to, and not in lieu of, any other
21 claim for relief that may be available at law.

22 (7) Notwithstanding subsection (1) of this section, a digital journalism provider may not
23 bring an action against a covered platform for accessing for an Oregon audience the online
24 content of the digital journalism provider if the covered platform, on the date the access
25 occurs, was:

26 (a) Participating in an arbitration under section 7 of this 2026 Act; or
27 (b) In compliance with:
28 (A) A final arbitration order issued under section 7 of this 2026 Act;
29 (B) A judgment in an appeal of an arbitration award issued under section 7 of this 2026
30 Act; or
31 (C) A settlement agreement that is approved by an arbitrator under section 7 of this 2026
32 Act.

33 **SECTION 4. Two-year exemption from civil actions; fixed compensation.** (1) A digital
34 journalism provider may not bring an action under section 3 of this 2026 Act against a cov-
35 ered platform for accessing for an Oregon audience the online content of the digital
36 journalism provider if the access occurs between January 1, 2027, and December 31, 2028, and
37 the covered platform elects to carry out one of the following:

38 (a) For a covered platform with 6 billion or more worldwide active monthly users, the
39 covered platform pays a total of at least \$104 million each year to the digital journalism
40 providers that produce online content that the covered platform accesses for an Oregon au-
41 dience between January 1, 2027, and December 31, 2028; or
42 (b) For a covered platform with less than 6 billion worldwide monthly active users, the
43 covered platform pays a total of at least \$18 million each year to the digital journalism pro-
44 viders that produce online content that the covered platform accesses for an Oregon audi-
45 ence between January 1, 2027, and December 31, 2028.

1 (2) A covered platform that pays an amount under this section shall distribute 10 percent
2 of the amount the covered platform pays to the Oregon Civic Information Consortium es-
3 tablished under section 12 of this 2026 Act. The covered platform shall distribute the re-
4 maining 90 percent of the amount the covered platform pays to the digital journalism
5 providers as follows:

6 (a) No less than one percent of the amount shall be paid to digital journalism providers
7 that would receive less than \$25,000 under paragraph (b) of this subsection, to be annually
8 distributed in proportion to the number of news journalists and, subject to section 8 (1)(b)(B)
9 of this 2026 Act, freelancers who, in the previous calendar year, were employed by each dig-
10 ital journalism provider for the primary purpose of producing content for an Oregon audi-
11 ence, in addition to the amount the digital journalism providers would receive pursuant to
12 paragraph (b) of this subsection; and

13 (b) The amount remaining after payment under paragraph (a) of this subsection shall be
14 distributed annually to digital journalism providers in proportion to the number of news
15 journalists who, in the previous calendar year, were employed by each digital journalism
16 provider for the primary purpose of producing content for an Oregon audience.

17 (3) A covered platform shall distribute amounts under this section in the manner pro-
18 vided under section 5 of this 2026 Act.

19 (4)(a) A digital journalism provider that wishes to receive an annual payment under this
20 section shall provide the covered platform notice. The notice must include, at a minimum:

21 (A) The name of the digital journalism provider;

22 (B) The number of news journalists and freelancers employed or claimed under section
23 8 of this 2026 Act; and

24 (C) A contact person for the digital journalism provider.

25 (b) A covered platform may take reasonable measures to verify that notice under this
26 subsection originates from a genuine digital journalism provider.

27 SECTION 5. Approved claims administrator; distribution of payments. (1)(a) A covered
28 platform shall engage an approved claims administrator to distribute annual payments to
29 digital journalism providers and the Oregon Civic Information Consortium established under
30 section 12 of this 2026 Act in compliance with the following:

31 (A) A final arbitration order issued under section 7 of this 2026 Act;

32 (B) A judgment in an appeal of an arbitration award issued under section 7 of this 2026
33 Act; or

34 (C) A settlement agreement that is approved by an arbitrator under section 7 of this 2026
35 Act.

36 (b) In selecting an approved claims administrator, the covered platform shall ensure that
37 the administrator is well qualified to perform the distribution and has administered multiple
38 settlements in this state that comply with complex civil litigation class action settlement
39 guidelines in at least three state or federal courts in this state.

40 (c) The covered platform shall be responsible for covering the costs of the approved
41 claims administrator.

42 (2) An approved claims administrator distributing payments under this section shall:

43 (a) Prepare an annual statement of account related to the distribution activities, that is
44 certified by a certified public accountant;

45 (b) Provide a point of contact that a digital journalism provider may use to submit in-

1 **quiries with timely redress;**

2 (c) Establish policies to resolve disputes, guard against fraud and abuse and ensure that
3 any indistributable funds are reallocated among participating digital journalism providers
4 after a reasonable holding period; and

5 (d) Publish on the administrator's website an annual report detailing nonconfidential op-
6 erations of the distribution activities, including the digital journalism providers that received
7 compensation and the amounts paid. The administrator shall provide the report to the cov-
8 ered platform and the covered platform shall also publish the report on the covered
9 platform's website.

10 (3) A covered platform shall identify a point of contact for electronic mail or other elec-
11 tronically communicated inquiries by a digital journalism provider or the Oregon Civic In-
12 formation Consortium established under section 12 of this 2026 Act.

13 (4) Ten percent of a final arbitration award issued under section 7 of this 2026 Act shall
14 be distributed to the Oregon Civil Information Consortium established under section 12 of
15 this 2026 Act. The remaining 90 percent of a final arbitration award issued under section 7
16 of this 2026 Act shall be distributed to participating digital journalism providers in proportion
17 to the number of news journalists and, subject to section 8 (1)(b)(B) of this 2026 Act,
18 freelancers, who, in the previous calendar year, were employed by each participating digital
19 journalism provider for the primary purpose of producing content for an Oregon audience.

20 (5)(a) The amount of any compensation received by a digital journalism provider through
21 a commercial agreement for access to content by the covered platform that was offset pur-
22 suant to section 7 (8)(c)(C) of this 2026 Act shall be deducted from its allocation accordingly.

23 (b) A digital journalism provider may request payment under this section, or a grant
24 under section 14 of this 2026 Act, but not both.

25 (6)(a) A digital journalism provider that disagrees with the determination of its eligibility
26 or the amount of compensation awarded may seek a review of the determination as follows:

27 (A) The digital journalism provider shall seek redress through the dispute resolution
28 process established pursuant to subsection (2)(c) of this section.

29 (B) If the digital journalism provider disagrees with the result of the dispute resolution
30 process, the digital journalism provider may initiate an arbitration of the dispute by a qual-
31 ified arbitrator.

32 (b) Any request for arbitration pursuant to paragraph (a) of this subsection shall be made
33 within 10 days of receiving notice of the eligibility decision or compensation determination
34 to be challenged.

35 (c) In an arbitration held pursuant to paragraph (a) of this subsection, the approved
36 claims administrator shall pay the costs of the qualified arbitrator.

37 (7) A digital journalism provider may not be denied compensation under this section on
38 the basis that the provider publishes or broadcasts, in whole or in part, in a language other
39 than English.

40 **SECTION 6. Accessed content; biennial list.** (1) No later than March 1 of each odd-
41 numbered year, a covered platform shall compile and make public on the covered platform's
42 website a list of digital journalism providers that produced online content that the covered
43 platform accessed for an Oregon audience during the prior two calendar years.

44 (2) A covered platform shall:

45 (a) Establish and maintain an electronic mail address that a digital journalism provider

1 may use to submit a request to the covered platform to provide a copy of the list of digital
2 journalism providers described in subsection (1) of this section; and

3 (b) Upon request by a digital journalism provider, provide a copy of the list to the digital
4 journalism provider within three days of the request.

5 (3) A covered platform may not exclude a digital journalism provider from a list described
6 in subsection (1) of this section on the basis that the digital journalism provider publishes
7 or broadcasts, in whole or in part, in a language other than English.

8 **SECTION 7. Final offer arbitration; parties; procedures.** (1)(a) A covered platform or
9 group of digital journalism providers organized under subsection (3) of this section may ini-
10 tiate an arbitration under this section to determine a percentage of the covered platform's
11 advertising revenue that the covered platform shall be required to remit on an annual basis
12 for a two-year period to the digital journalism providers that participate in the arbitration.

13 (b) The arbitration must be in the form of final offer arbitration.

14 (c)(A) The covered platform shall participate in the arbitration as a single party and no
15 other covered platform may participate in the arbitration.

16 (B) The group of digital journalism providers shall participate jointly as a single party.
17 However, each digital journalism provider may be individually represented during the arbi-
18 tration or any appeal of the final arbitration order or settlement.

19 (C) Only one group of digital journalism providers may initiate or participate in an arbi-
20 tration under this section with a covered platform.

21 (d) The parties shall engage a qualified arbitrator to carry out the arbitration. A panel
22 of three arbitrators affiliated with the qualified arbitrator shall determine the arbitration
23 procedures under the rules of the arbitrators. The arbitration procedures must be consistent
24 with the provisions of this section.

25 (2) Arbitration under this section may be initiated in the following manner:

26 (a) A covered platform may initiate an arbitration under this section within the 30-day
27 period immediately following the date the covered platform makes public on the covered
28 platform's website the list of digital journalism providers described in section 6 (1) of this
29 2026 Act.

30 (b) A group of digital journalism providers organized under subsection (3) of this section
31 may initiate an arbitration under this section within the 30-day period immediately following
32 the date the group adopts rules and procedures to govern how the group shall make deci-
33 sions.

34 (3)(a) Digital journalism providers may organize as a group under this subsection by
35 adopting rules and procedures to govern how the group of digital journalism providers shall
36 make decisions regarding the arbitration or any appeal of the final arbitration order or
37 settlement.

38 (b) Digital journalism providers may organize as a group under this subsection within the
39 30-day period immediately following the date that:

40 (A) A covered platform makes public on the covered platform's website the list of digital
41 journalism providers described in section 6 (1) of this 2026 Act; or

42 (B) A covered platform initiates an arbitration under this section.

43 (c) Any official decision or action by the group of participating digital journalism pro-
44 viders requires a majority vote. Each digital journalism provider that is a member of the
45 group is entitled to one vote.

1 **(4)(a) Within 10 days from the date that both parties have filed an appearance in an ar-**
2 **bitration initiated under this section and prior to commencing the arbitration, the covered**
3 **platform and group of digital journalism providers shall engage in mediation for a period of**
4 **up to 60 days. The purpose of the mediation is to attempt to reach a settlement on the per-**
5 **centage of the covered platform's advertising revenue that the covered platform shall be**
6 **required to remit on an annual basis for a two-year period to the digital journalism providers**
7 **as compensation for accessing for an Oregon audience the online content of the digital**
8 **journalism providers during the two-year period.**

9 **(b) If the parties reach a settlement, the arbitrator may approve the settlement and the**
10 **arbitration will conclude. Any proposed settlement may not seek to waive a digital journalism**
11 **provider's obligations under section 8 of this 2026 Act.**

12 **(c) If the parties do not reach a settlement within 60 days, the parties shall commence**
13 **with the arbitration within 10 days from the last day of the mediation period.**

14 **(5) Each party shall pay one half of the costs of the arbitration. The one half of the costs**
15 **that the group of digital journalism providers are required to pay shall be deducted from any**
16 **amount awarded under this section and shall be deducted prior to any calculation made un-**
17 **der section 5 (4) of this 2026 Act.**

18 **(6) The following procedures shall apply to the arbitration:**

19 **(a)(A) Each party may request the production of business records that are relevant to**
20 **the percentage of the covered platform's advertising revenue to be awarded to the partici-**
21 **pating digital journalism providers and that are nonprivileged, reasonably necessary and**
22 **reasonably accessible without undue expense. A party that receives a request to produce**
23 **business records shall provide the business records within 30 days from the date of the re-**
24 **quest.**

25 **(B) The covered platform is limited to one request for each participating digital**
26 **journalism provider to produce business records. The covered platform shall reimburse a**
27 **digital journalism provider for the digital journalism provider's reasonable costs of producing**
28 **business records, including attorney fees, within 10 days after receiving a request for re-**
29 **imbursement from a digital journalism provider.**

30 **(b) Each party shall submit a final offer proposal on the amount the covered platform**
31 **shall be required to remit to the digital journalism providers on an annual basis for a two-**
32 **year period as compensation for accessing for an Oregon audience the online content of the**
33 **digital journalism providers during the two-year period. The amount must be based on the**
34 **value that the covered platform receives for accessing for an Oregon audience the online**
35 **content of the digital journalism providers. The final offer proposals must include backup**
36 **materials sufficient to permit the other party to replicate the proffered valuation.**

37 **(c) A party's final offer proposal may not address whether or how the covered platform**
38 **or any digital journalism provider ranks, distributes, suppresses, promotes, throttles, labels,**
39 **filters or curates the online content of the digital journalism providers or any other person.**

40 **(7) Not later than 60 days from the date arbitration commences, the arbitration panel**
41 **shall accept without modification one of the parties' final offer proposals. In making its de-**
42 **determination on which final offer proposal to accept, the arbitration panel:**

43 **(a) May not take into consideration any value that the covered platform confers upon any**
44 **of the digital journalism providers for aggregating, distributing, rendering or displaying the**
45 **online content of the digital journalism providers, unless the covered platform does not au-**

1 **tomatically access the online content of the digital journalism provider; and**

2 **(b) Shall:**

3 **(A) If a commercial agreement exists between the covered platform and any of the digital**
4 **journalism providers, consider the monetary compensation that the covered platform pays**
5 **the digital journalism provider under the commercial agreement for the purpose of offsetting**
6 **the value created by a digital journalism provider;**

7 **(B) Consider past incremental revenue contributions as a guide to the future incremental**
8 **revenue contribution by any of the digital journalism providers;**

9 **(C) Consider the pricing, terms and conditions of any available or comparable commercial**
10 **agreements between a covered platform and digital journalism provider that grants the cov-**
11 **ered platform access to the online content of the digital journalism provider, including pric-**
12 **ing, terms and conditions relating to price, duration, territory and the value of data**
13 **generated directly or indirectly by the online content, taking in consideration any material**
14 **disparities in the negotiating power between the parties to those commercial agreements;**
15 **and**

16 **(D) If submitted with a final offer proposal, consider a digital journalism provider's pre-**
17 **vious compliance with section 8 of this 2026 Act to the extent applicable.**

18 **(8)(a) Within 15 days of accepting a final offer proposal, the arbitration panel shall issue**
19 **an arbitration award and final arbitration order.**

20 **(b) The arbitration award must set out the percentage of the covered platform's adver-**
21 **tising revenue that the covered platform shall be required to remit on an annual basis for a**
22 **two-year period to the digital journalism providers that participate in the arbitration.**

23 **(c) The final arbitration order must:**

24 **(A) Set forth the amount of the final offer proposal accepted by the arbitration panel.**

25 **(B) Require the covered platform to pay the final offer amount on an annual basis over**
26 **a two-year period.**

27 **(C) Authorize the covered platform to reduce the total amount the covered platform is**
28 **obligated to pay under the arbitration award by the total amount the covered platform is**
29 **obligated to pay under any commercial agreements the covered platform has with digital**
30 **journalism providers that participated in the arbitration. To receive an offset under this**
31 **subparagraph, the covered platform shall provide to the arbitration panel a copy of each**
32 **commercial agreement for which the covered platform seeks an offset. The covered platform**
33 **may offset only the amount that the covered platform actually pays under a commercial**
34 **agreement.**

35 **(D) Include the date of the order.**

36 **(E) State the date that the order expires.**

37 **(F) Set forth the process by which the parties may jointly request that the arbitration**
38 **award be renewed by the arbitration panel.**

39 **(9)(a) Any party to the arbitration proceeding may appeal the decision of the arbitration**
40 **panel to a circuit court of competent jurisdiction for a trial de novo.**

41 **(b) Notwithstanding ORCP 36, in a trial de novo under this subsection:**

42 **(A) Production of documents or things is limited to any business records produced during**
43 **the arbitration proceeding; and**

44 **(B) Depositions of persons are limited to persons that a party designates as a trial wit-**
45 **ness. A person that a party does not designate as a trial witness by pretrial court order may**

1 not provide testimony at trial.

2 (c) In a trial de novo under this subsection, the circuit court shall review de novo the
3 choice of the arbitration panel between the parties' final offer proposals submitted under
4 subsection (7) of this section using the standards set forth in subsections (6) and (7) of this
5 section and applying the provisions of subsection (8)(c)(C) of this section.

6 (10) No less than one percent of each arbitration award shall be paid to digital journalism
7 providers that would receive less than \$25,000 under the arbitration award, to be annually
8 distributed in proportion to the number of news journalists and, subject to section 8 (1)(b)(B)
9 of this 2026 Act, freelancers who, in the previous calendar year, were employed by each digi-
10 tal journalism provider for the primary purpose of producing content for an Oregon audi-
11 ence, in addition to the amount the digital journalism providers would receive under an
12 arbitration award.

13 (11) Ten percent of a final arbitration award issued under this section shall be distributed
14 to the Oregon Civil Information Consortium established under section 12 of this 2026 Act.

15 (12) An arbitration award and final arbitration order issued under this section expires
16 within two years after an arbitration panel issues the order unless the arbitration panel re-
17 news the award and order.

18 (13) During the 90-day period immediately prior to the expiration of an arbitration award
19 and final arbitration order, the parties may jointly request that the arbitration panel renew
20 the award and order for an additional two years. The parties shall make the request in
21 writing pursuant to the procedures set forth in the order. The award and order may be re-
22 newed as often as the parties request that the award and order be renewed.

23 **SECTION 8. Digital journalism provider; use of funds to employ news journalists and**
24 **support staff.** (1)(a) Except as provided in paragraph (b) of this subsection, a digital
25 journalism provider shall spend at least 70 percent of funds received under sections 1 to 11
26 of this 2026 Act on news journalists and support staff employed by the digital journalism
27 provider.

28 (b)(A) A digital journalism provider with five or fewer employees shall spend at least 50
29 percent of funds received pursuant to sections 1 to 11 of this 2026 Act on news journalists
30 and support staff employed by the digital journalism provider.

31 (B) For the purpose of calculating a distribution from a covered platform made pursuant
32 to section 5 (4) of this 2026 Act, or for establishing a digital journalism provider's minimum
33 distribution to news journalists and support staff pursuant to this section, a digital
34 journalism provider with five or fewer employees may elect to count dollars spent on the
35 equivalent functions performed by news journalists as follows:

36 (i) The digital journalism provider shall employ at least one news journalist for the pri-
37 mary purpose of producing content for an Oregon audience.

38 (ii) A digital journalism provider may elect to count each \$40,000 spent by the provider
39 in the previous calendar year to compensate freelancers performing the functions described
40 in section 1 (8)(b) of this 2026 Act as employing the equivalent of one news journalist, up to
41 a maximum of \$160,000 or the equivalent of four news journalists, with those amounts ad-
42 justed annually for inflation since 2026 based on the Consumer Price Index for All Urban
43 Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the
44 United States Department of Labor. In no instance may the total number of news journalists
45 and freelancers claimed pursuant to this subparagraph exceed the number of individuals

1 compensated by the digital journalism provider.

2 (2) No later than 30 days after the entry of an arbitration award or judgment in an appeal
 3 of an arbitration award under section 7 of this 2026 Act or reaching a settlement in lieu of
 4 an arbitration proceeding, the digital journalism provider shall provide notification in writing
 5 of its plan to comply with subsection (1) of this section to the news journalists and support
 6 staff employed by the digital journalism provider and any representatives of those news
 7 journalists or support staff.

8 (3) The digital journalism provider's plan to comply with subsection (1) of this section
 9 shall include a good faith estimate of the number of news journalists and support staff, re-
 10 spectively, if any, expected to be hired, details regarding proposed compensation adjustments,
 11 if any, and a disclosure if either hiring or compensation adjustments are not expected.

12 **SECTION 9. Digital journalism provider annual report; attestation.** (1) No later than one
 13 year after the issuance of an arbitration award or entry of a judgment in an appeal of an
 14 arbitration award under section 7 of this 2026 Act or reaching a settlement of claims under
 15 sections 1 to 11 of this 2026 Act, and each year thereafter, a digital journalism provider shall:

16 (a) Compile a report that includes the following:

17 (A) An attestation as to whether the digital journalism provider has complied with sec-
 18 tion 8 (1) of this 2026 Act;

19 (B) The digital journalism provider's plan to comply with section 8 (1) of this 2026 Act;

20 (C) The total number of payments received from covered platforms under sections 1 to
 21 11 of this 2026 Act;

22 (D) The name of each covered platform paying the digital journalism provider a payment
 23 under sections 1 to 11 of this 2026 Act and a description of how the digital journalism pro-
 24 vider spent the payment, including any amount of payments under sections 1 to 11 of this
 25 2026 Act remaining unspent; and

26 (E) The total number of news journalists and support staff, respectively, employed by the
 27 digital journalism provider, including the number of news journalists and support staff hired
 28 or terminated, respectively, during the previous year;

29 (b) Publish a copy of the report online in a text-searchable format; and

30 (c) Provide a copy of the report to the news journalists and support staff employed by
 31 the digital journalism provider, to any representatives of the news journalists or support
 32 staff and to the covered platforms making payments under sections 1 to 11 of this 2026 Act
 33 to the digital journalism provider.

34 (2) If a digital journalism provider fails to comply with this section, a covered platform
 35 may withhold payments under sections 1 to 11 of this 2026 Act until the digital journalism
 36 provider provides a copy of the report to the covered platform and publishes a copy of the
 37 report online in a text-searchable format.

38 **SECTION 10. Other remedies; injunctive relief.** (1) Sections 1 to 11 of this 2026 Act shall
 39 not be construed as amending or repealing any other remedy available at law.

40 (2) A digital journalism provider may obtain injunctive relief to compel compliance with
 41 sections 5, 6 or 7 of this 2026 Act. The court shall award a prevailing digital journalism pro-
 42 vider court costs and reasonable attorney fees.

43 **SECTION 11. Federal law; collective bargaining agreements.** Sections 1 to 11 of this 2026
 44 Act do not:

45 (1) Modify, impair, expand or in any way alter rights pertaining to Title 17 of the United

1 States Code or the Lanham Act (15 U.S.C. 1051 et seq.); or

2 (2) Abridge or impair rights otherwise reserved by news journalists, support staff or their
3 representatives according to applicable law or existing collective bargaining agreements.

4 **SECTION 12. Oregon Civic Information Consortium; board of directors; annual report.**

5 (1) There is established the Oregon Civic Information Consortium as a nonprofit corporation.

6 The purpose of the consortium is to provide grants described in section 14 of this 2026 Act
7 to support Oregon news content providers, journalism, news, public information projects and
8 public interest initiatives that address Oregonians' civic information needs. The consortium
9 shall be a collaborative effort among Oregon journalistic publications, news outlets, member
10 universities and nonprofit and community organizations.

11 (2) The consortium shall be governed by a board of directors. The board shall set stra-
12 tegic priorities and metrics to guide the consortium's initiatives and grant programs.

13 (3) The board shall consist of 13 members appointed by the Governor and subject to
14 confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565, as follows:

15 (a) Five members employed in the news media industry or Oregon journalistic publica-
16 tions;

17 (b) Three members representing nonprofit or community organizations;

18 (c) One member representing a labor union for working news journalists;

19 (d) One member from a society of professional journalism;

20 (e) One member representing the digital technology sector;

21 (f) One member representing the University of Oregon; and

22 (g) One member representing another public university listed in ORS 352.002.

23 (4) The term of office of each member is four years. Before the expiration of the term
24 of a member, the Governor shall appoint a successor whose term begins on January 1 of the
25 following year. A member may be reappointed. If there is a vacancy for any cause, the
26 Governor shall make an appointment to become immediately effective for the unexpired
27 term.

28 (5) The board shall select one of its members as chairperson and another as vice chair-
29 person for such terms and with such duties and powers as the board considers necessary for
30 performance of the functions of those offices.

31 (6) A majority of members of the board constitutes a quorum for the transaction of
32 business.

33 (7) The board shall meet at times and places specified by the chairperson or by a majority
34 of the members of the board.

35 (8) The board shall hold public hearings annually in different geographical regions of this
36 state. The public hearings shall provide a forum for the board to report on how the funds
37 that the consortium receives are spent and to gather public input on what the consortium's
38 mission should be and whether the consortium is meeting its mission. Public input shall be
39 used to assess whether the consortium's grant-making metrics or process for issuing grants
40 needs to be changed.

41 (9) Members of the board are not entitled to compensation, but may be reimbursed for
42 actual and necessary travel and other expenses incurred by them in the performance of their
43 official duties. Claims for expenses shall be paid out of such funds as may be available to the
44 board.

45 (10) On or before September 1 of each year, the board shall submit a report on the ac-

1 tivities of the consortium in the manner provided by ORS 192.245, and may include recom-
2 mendations for legislation, regulations or policies, to the Governor and the interim
3 committees of the Legislative Assembly related to higher education. The report must in-
4 clude, at a minimum:

- 5 (a) A list of all grant applicants and approved grant applicants;
- 6 (b) The grant amounts distributed to approved grant applicants under section 14 of this
7 2026 Act;
- 8 (c) The amount of matching funds and types of in-kind contributions provided to ap-
9 proved grant applicants; and
- 10 (d) The status of the activities funded pursuant to approved grant applicant.

11 (11) The University of Oregon shall provide the consortium with administrative and staff
12 support and facilities.

13 **SECTION 13. Executive director; program officers; administrative staff.** (1) The Oregon
14 Civic Information Consortium board of directors shall appoint an executive director of the
15 consortium and fix the executive director's compensation and conditions of employment. The
16 executive director is the chief executive, administrative and operational officer of the con-
17 sortium and shall:

- 18 (a) Direct and supervise the administrative affairs and general management of the con-
19 sortium;
- 20 (b) Oversee the consortium's day-to-day operations;
- 21 (c) Work with the board to meet the consortium's goals and grant-making requirements;
- 22 (d) Employ and manage program officers and administrative staff;
- 23 (e) Serve as the consortium's spokesperson;
- 24 (f) Raise funds for the consortium from external sources; and
- 25 (g) Attend all board meetings.

26 (2)(a) The consortium's program officers must be experienced practitioners with a strong
27 understanding of the local journalism field, community-based organizations and fiscal and
28 grant management. The executive director shall strive, as allowed by law, to appoint program
29 officers that represent this state's racial, ethnic, gender and geographic diversity.

30 (b) Program officers shall manage the grant-making process in accordance with the
31 consortium's goals. The grant-making process includes soliciting, recommending and pro-
32 cessing grant proposals, working with grantees to ensure the quality of work that is done
33 on grant project ideas and directing public engagement and evaluation efforts.

34 (3) The consortium's administrative staff shall provide operational support for the con-
35 sortium, including office management, support for the executive director and program offi-
36 cers, coordination among member universities, payment to grantees, human resources and
37 logistics.

38 **SECTION 14. Grants; grant agreements.** (1) The Oregon Civic Information Consortium
39 shall provide grants for projects that achieve the following goals:

- 40 (a) Serve the public interest, improve civic information and increase availability of local
41 news content in this state;
- 42 (b) Enhance the quality and availability of timely, reliable local news and support local
43 reporting and investigative journalism;
- 44 (c) Address underserved areas, meet the information needs of low-income or racial, eth-
45 nic or language minority communities and provide culturally specific and multilingual con-

1 tent;

2 (d) Develop stronger journalism networks through shared practices and partnerships,
3 support training of journalism students and working professionals and support job creation
4 and career advancement opportunities related to local journalism; and

5 (e) Other related goals as determined by the consortium's board of directors.

6 (2) The consortium shall:

7 (a) Establish criteria by which grants are awarded; and

8 (b) Make available on the consortium's website the grant criteria and other relevant
9 documents.

10 (3) A grant must be in the form of a grant agreement. A grant agreement must include
11 the following:

12 (a) A description of the project goals;

13 (b) A set of metrics that parties will use to assess the project goals and evaluate how
14 well those goals are met;

15 (c) Any other accountability measures that the consortium requires;

16 (d) Expectations between the consortium and grant recipient; and

17 (e) Requirements that:

18 (A) The grant recipient be independent from the influence of the state, any university
19 that is a member of the consortium, any outside source and any other grantor or contributor
20 of funds for the project; and

21 (B) Any grantor or contributor of funds for the project shall acknowledge in writing that
22 the grantor or contributor of funds does not have a right nor is entitled to dictate or influ-
23 ence the content of any work that the grant recipient produces or may produce as part of
24 the project.

25 (4) The consortium's board of directors, in coordination with the consortium's executive
26 director and program officers, shall establish the set of metrics that is included in a grant
27 agreement.

28 SECTION 15. Applicability. (1) Sections 2, 3, 5 and 7 of this 2026 Act apply to the access
29 of online content of digital journalism providers by a covered platform that occurs on or af-
30 ter the effective date of this 2026 Act.

31 (2) Section 4 of this 2026 Act applies to the access of online content of digital journalism
32 providers by a covered platform that occurs between January 1, 2027, and December 31, 2028.

33 (3) A covered platform shall compile and make public the first list required under section
34 6 (1) of this 2026 Act no later than March 1, 2027.

35 SECTION 16. Captions. The section captions used in this 2026 Act are provided only for
36 the convenience of the reader and do not become part of the statutory law of this state or
37 express any legislative intent in the enactment of this 2026 Act.