

LC 167  
2016 Regular Session  
12100-001  
1/19/16 (DRG/ps)

# D R A F T

## SUMMARY

Requires lobbyists to update client list within five business days of commencing or ceasing representation of client during regular or special sessions of Legislative Assembly. Requires Oregon Government Ethics Commission to make lobbyist registration and lobbyist registration updates publicly available on Internet within two business days of receiving information.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to lobbyist reporting; creating new provisions; amending ORS 171.735, 171.740 and 244.290; and declaring an emergency.

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

**SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 171.740 to 171.762.**

**SECTION 2. (1) During any regular session of the Legislative Assembly, or during any special session of the Legislative Assembly:**

**(a) Within five business days after exceeding the limit of time or expenditure specified in ORS 171.735 (4), or within five business days after agreeing to provide personal services for money or any other consideration for the purpose of lobbying, a lobbyist shall register with the Oregon Government Ethics Commission by filing with the commission the statement required under ORS 171.740 (1).**

**(b) If a lobbyist appears in the interest of or works for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission not later than five business days after the day the lobbyist first appears or works for the person.**

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.

(c) A lobbyist shall notify the commission within five business days if the lobbyist ceases to represent a person for whom the lobbyist has previously registered. Notification must be made by updating the information submitted by the lobbyist in the statement required under ORS 171.740 (1).

(2)(a) If during the five business days before the convening of any regular or special session of the Legislative Assembly a lobbyist exceeds the limit of time or expenditure specified in ORS 171.735 (4) or agrees to provide personal services for money or any other consideration for the purpose of lobbying, the lobbyist shall register with the commission by filing with the commission the statement required under ORS 171.740 (1) not later than five business days after the convening of that regular or special session.

(b) If during the five business days before the convening of any regular or special session of the Legislative Assembly a lobbyist appears in the interest of or works for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission by filing with the commission the statement required under ORS 171.740 (1) not later than five business days after the convening of that regular or special session.

(c) If during the 25 business days before any regular or special session of the Legislative Assembly is convened a lobbyist ceases to represent a person for whom the lobbyist has previously registered, the lobbyist shall notify the commission not later than five business days after that regular or special session is convened. Notification must be made by updating the information submitted by the lobbyist in the statement required under ORS 171.740 (1).

**SECTION 3.** ORS 244.290, as amended by section 3, chapter 619, Oregon Laws 2015, is amended to read:

244.290. (1) The Oregon Government Ethics Commission shall:

(a) Prescribe forms for statements required by this chapter and provide

1 the forms to persons required to file the statements under this chapter or  
2 pursuant to a resolution adopted under ORS 244.160.

3 (b) Develop a filing, coding and cross-indexing system consistent with the  
4 purposes of this chapter.

5 (c) Prepare and publish reports the commission finds are necessary.

6 (d) Accept and file any information voluntarily supplied that exceeds the  
7 requirements of this chapter.

8 (e) Make statements and other information filed with the commission  
9 available for public inspection and copying during regular office hours, and  
10 make copying facilities available at a charge not to exceed actual cost.

11 (f) Not later than February 1 of each odd-numbered year, report to the  
12 Legislative Assembly any recommended changes to provisions of ORS 171.725  
13 to 171.785 or this chapter.

14 (2) The commission shall adopt rules necessary to carry out its duties  
15 under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules  
16 to:

17 (a) Create a procedure under which items before the commission may be  
18 treated under a consent calendar and voted on as a single item;

19 (b) Exempt a public official who is otherwise required to file a statement  
20 pursuant to ORS 244.050 from filing the statement if the regularity, number  
21 and frequency of the meetings and actions of the body over which the public  
22 official has jurisdiction are so few or infrequent as not to warrant the public  
23 disclosure;

24 (c) Establish an administrative process whereby a person subpoenaed by  
25 the commission may obtain a protective order;

26 (d) List criteria and establish a process for the commission to use  
27 prosecutorial discretion to decide whether to proceed with an inquiry or in-  
28 vestigation;

29 (e) Establish a procedure under which the commission shall conduct ac-  
30 curacy audits of a sample of reports or statements filed with the commission  
31 under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of “gift” in ORS 244.020;

(g) Specify when a continuing violation is considered a single violation or a separate and distinct violation for each day the violation occurs; and

(h) Set criteria for determining the amount of civil penalties that the commission may impose.

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of “potential conflict of interest” under ORS 244.020;

(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;

(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.

(4) Not less frequently than once each calendar year, the commission shall:

(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and

(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

(5) The commission shall adopt by rule an electronic filing system under

1 which statements required to be filed under ORS 244.050 and 244.217 must  
2 be filed, without a fee, with the commission in an electronic format.

3 (6) The commission shall make available in a searchable format for review  
4 by the public using the Internet:

5 (a) Statements filed under ORS 244.050 and 244.217;

6 (b) Advisory opinions issued by the commission or the executive director  
7 of the commission; *[and]*

8 (c) Findings issued by the commission under ORS 244.260 in instances  
9 where the commission determines that there has been a violation of a pro-  
10 vision of this chapter or of any rule adopted by the commission under this  
11 chapter. Nothing in this paragraph requires the commission to make publicly  
12 available materials that are otherwise exempt from public disclosure or that  
13 are required to be kept confidential by the commission[.]; **and**

14 **(d) Lobbyist registration statements and updates filed under ORS**  
15 **171.740 or section 2 of this 2016 Act. The information required under**  
16 **this paragraph must be available in a searchable format for review by**  
17 **the public using the Internet not later than two business days after**  
18 **the information is filed with the commission.**

19 **SECTION 4.** ORS 171.740 is amended to read:

20 171.740. (1) **Except as provided in section 2 of this 2016 Act**, within 10  
21 business days after exceeding the limit of time or expenditure specified in  
22 ORS 171.735 (4), or within 10 business days after agreeing to provide personal  
23 services for money or any other consideration for the purpose of lobbying,  
24 a lobbyist shall register with the Oregon Government Ethics Commission by  
25 filing with the commission a statement containing the following information:

26 (a) The name, address and telephone number of the lobbyist.

27 (b) The name, address and telephone number of each person that employs  
28 the lobbyist or in whose interest the lobbyist appears or works.

29 (c) A general description of the trade, business, profession or area of en-  
30 deavor of any person designated under paragraph (b) of this subsection, and  
31 a statement by the person that the lobbyist is officially authorized to lobby

for the person.

(d) The name of any member of the Legislative Assembly employed, retained or otherwise compensated by:

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

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

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

(2) The designation of official authorization to lobby shall be signed by an official of each person that employs the lobbyist or in whose interest the lobbyist appears or works.

(3) A lobbyist must file a separate registration statement under this section for each person that employs the lobbyist or in whose interest the lobbyist appears or works. **Except as provided in section 2 of this 2016 Act,** if a lobbyist appears or works for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission not later than 10 business days after the day the lobbyist first appears or works for the person.

(4) **Except as provided in section 2 of this 2016 Act,** if any of the information submitted by a lobbyist in the statement required under subsection (1) of this section changes, the lobbyist shall revise the statement within 30 days of the change.

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

(6) For the statement required by this section, an entity comprised of more than one lobbyist may file one statement for the lobbyists who comprise the entity. The statement the entity files must include the names of the individuals authorized to lobby on behalf of the client listed in the statement.

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

1 171.735. ORS 171.740 and 171.745 **and section 2 of this 2016 Act** do not  
2 apply to the following persons:

3 (1) News media, or their employees or agents, that in the ordinary course  
4 of business directly or indirectly urge legislative action but that engage in  
5 no other activities in connection with the legislative action.

6 (2) Any legislative official acting in an official capacity.

7 (3) Any individual who does not receive compensation or reimbursement  
8 of expenses for lobbying, who limits lobbying activities solely to formal ap-  
9 pearances to give testimony before public sessions of committees of the  
10 Legislative Assembly, or public hearings of state agencies, and who, when  
11 testifying, registers an appearance in the records of the committees or  
12 agencies.

13 (4) A person who does not:

14 (a) Agree to provide personal services for money or any other consider-  
15 ation for the purpose of lobbying;

16 (b) Spend more than an aggregate amount of 24 hours during any calendar  
17 quarter lobbying; and

18 (c) Spend an aggregate amount in excess of \$100 lobbying during any  
19 calendar quarter.

20 (5) The Governor, chief of staff for the Governor, deputy chief of staff for  
21 the Governor, legal counsel to the Governor, deputy legal counsel to the  
22 Governor, Secretary of State, Deputy Secretary of State appointed pursuant  
23 to ORS 177.040, State Treasurer, Deputy State Treasurer appointed pursuant  
24 to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney  
25 General, Deputy Attorney General appointed pursuant to ORS 180.130, Dep-  
26 uty Superintendent of Public Instruction appointed pursuant to ORS 326.300,  
27 Commissioner of the Bureau of Labor and Industries, deputy commissioner  
28 of the Bureau of Labor and Industries appointed pursuant to ORS 651.060,  
29 members and staff of the Oregon Law Commission who conduct the law re-  
30 vision program of the commission or any judge.

31 **SECTION 6. Section 2 of this 2016 Act and the amendments to ORS**

1 171.735, 171.740 and 244.290 by sections 3 to 5 of this 2016 Act apply to  
2 lobbyist registration statements and updates to lobbyist registration  
3 statements filed on or after January 1, 2017.

4 SECTION 7. This 2016 Act being necessary for the immediate pres-  
5 ervation of the public peace, health and safety, an emergency is de-  
6 clared to exist, and this 2016 Act takes effect on its passage.

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