

A-Engrossed
Senate Bill 960

Ordered by the Senate April 25
Including Senate Amendments dated April 25

Sponsored by COMMITTEE ON RULES AND REDISTRICTING (at the request of Capitol Club)

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.

Modifies information lobbyist and person employing lobbyist must submit to Oregon Government Standards and Practices Commission. Authorizes entity comprising more than one lobbyist to submit information for lobbyists composing entity. Eliminates commission authority to impose and collect fees from lobbyists. Authorizes legislative or executive department official to receive consideration from other than State of Oregon for acting as lobbyist outside Oregon.

A BILL FOR AN ACT

1
2 Relating to lobby regulation; creating new provisions; amending ORS 171.725, 171.730, 171.735,
3 171.740, 171.745, 171.750 and 171.756; and repealing ORS 171.743.

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

5 **SECTION 1.** ORS 171.725 is amended to read:

6 171.725. As used in ORS 171.725 to 171.785, unless the context requires otherwise:

7 **(1) "Compensation" has the meaning given that term in ORS 292.951.**

8 *[(1)]* **(2)** "Consideration" includes a gift, payment, distribution, loan, advance or deposit of money
9 or anything of value, and includes a contract, promise or agreement, whether or not legally en-
10 forceable.

11 *[(2)]* **(3)** "Executive agency" means a commission, board, agency or other body in the executive
12 branch of state government that is not part of the legislative or judicial branch.

13 *[(3)]* **(4)** "Executive official" means any member or member-elect of an executive agency and any
14 member of the staff or an employee *[thereof]* **of an executive agency**. A member of a state board
15 or commission, other than a member who is employed in full-time public service, *[shall]* **is not** *[be*
16 *considered]* an executive official for purposes of ORS 171.725 to 171.785.

17 *[(4)]* **(5)** "Judge" means an active judge serving on the Oregon Supreme Court, Court of Appeals,
18 Oregon Tax Court, or an Oregon circuit court.

19 *[(5)]* **(6)** "Legislative action" means introduction, sponsorship, testimony, debate, voting or any
20 other official action on any measure, resolution, amendment, nomination, appointment, or report, or
21 any matter *[which]* **that** may be the subject of action by either house of the Legislative Assembly,
22 or any committee *[thereof]* **of the Legislative Assembly**, or the approval or veto thereof by the
23 Governor.

24 *[(6)]* **(7)** "Legislative official" means any member or member-elect of the Legislative Assembly,
25 any member of an agency, board or committee that is part of the legislative branch, and any staff
26 person, assistant or employee thereof.

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 [(7)] **(8)** “Lobbying” means influencing, or attempting to influence, legislative action through oral
2 or written communication with legislative officials, solicitation of others to influence or attempt to
3 influence legislative action or attempting to obtain the good will of legislative officials.

4 [(8)] **(9)** “Lobbyist” means:

5 (a) Any individual who agrees to provide personal services for money or any other consideration
6 for the purpose of lobbying.

7 (b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal
8 services as a representative of a corporation, association, organization or other group, for the pur-
9 pose of lobbying.

10 (c) Any public official who lobbies.

11 [(9)] **(10)** “Public agency” means a commission, board, agency or other governmental body.

12 [(10)] **(11)** “Public official” means any member or member-elect of any public agency and any
13 member of the staff or an employee *[thereof]* **of the public agency**.

14 **SECTION 2.** ORS 171.730 is amended to read:

15 171.730. The Legislative Assembly finds that, to preserve and maintain the integrity of the leg-
16 islative process, *[it is necessary that the identity, expenditures and activities of certain]* persons who
17 engage in efforts to persuade members of the Legislative Assembly or the executive branch to take
18 specific actions, either by direct communication *[to such officials]* **with members or employees of**
19 **the Legislative Assembly or the executive branch** or by solicitation of others to engage in
20 *[such]* **those** efforts, *[be publicly and]* **should** regularly *[disclosed]* **report their efforts to the**
21 **public**.

22 **SECTION 3.** ORS 171.735 is amended to read:

23 171.735. *[Provided such persons are not registered with the Oregon Government Standards and*
24 *Practices Commission,]* ORS 171.740 and 171.745 do not apply to the following persons:

25 (1) News media, or their employees or agents, *[who]* **that** in the ordinary course of business
26 *[publish or broadcast news items, editorials or other comments or paid advertisements which]* directly
27 or indirectly urge legislative action *[if such persons]* **but that** engage in no other activities in con-
28 nection with *[such]* **the** legislative action.

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

30 (3) Any individual who receives no *[additional consideration]* **compensation or reimbursement**
31 **of expenses** for lobbying, *[and]* who limits lobbying activities solely to formal appearances to give
32 testimony before public sessions of committees of the Legislative Assembly, or public hearings of
33 state agencies, and who, *[if the individual testifies]* **when testifying**, registers an appearance in the
34 records of *[such]* **the** committees or agencies.

35 (4) A person who spends not more than 24 hours during any calendar quarter lobbying*[, ex-*
36 *cluding travel time,]* and who does not spend an amount in excess of \$100 lobbying during any cal-
37 endar quarter *[excluding the cost of personal travel, meals and lodging. Once either the \$100 or*
38 *24-hour amount is exceeded by an individual or by a corporation, association, organization or other*
39 *group, the individual, corporation, association, organization or other group must comply with the re-*
40 *quirements of ORS 171.740 to 171.756 and must register with the Oregon Government Standards and*
41 *Practices Commission under ORS 171.740 within three working days after exceeding either the ex-*
42 *penditure or the time limit, or both].*

43 (5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, Secre-
44 tary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Chief
45 Deputy State Treasurer appointed pursuant to ORS 178.060, Attorney General, Deputy Attorney

1 General appointed pursuant to ORS 180.130, Superintendent of Public Instruction, Commissioner of
2 the Bureau of Labor and Industries and any judge.

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

4 171.740. (1) Within three working days after exceeding the limit of time or expenditure specified
5 in ORS 171.735 (4), *[each]* a lobbyist *[or public agency]* shall register with the Oregon Government
6 Standards and Practices Commission by filing with the commission a statement containing the fol-
7 lowing information:

8 (a) The name, *[and]* address **and telephone number** of the lobbyist.

9 (b) The name, *[and]* address **and telephone number** of each person *[or agency by whom]* **that**
10 **employs** the lobbyist *[is employed]* or in whose interest the lobbyist appears or works. *[.]*

11 (c) A **general** description of the trade, business, profession or area of endeavor of *[that]* **any**
12 person *[or agency]* **designated under paragraph (b) of this subsection**, and a *[designation]* **state-**
13 **ment** by *[each such]* **the** person *[or agency]* that the lobbyist is officially authorized to lobby for
14 *[that]* **the** person *[or agency]*.

15 *[(c)]* (d) The name of any member of the Legislative Assembly *[who is in any way employed by*
16 *the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist*
17 *or whether the lobbyist and member are associated with the same business, as defined in ORS 244.020.*
18 *However, ownership of stock in a publicly traded corporation in which a member of the Legislative*
19 *Assembly also owns stock is not a relationship which need be stated]* **employed, retained or other-**
20 **wise compensated by:**

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

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

23 *[(d)]* (e) The general subject or subjects of the legislative **action of** interest *[of]* **to the person**
24 **for whom** the lobbyist **is registered.**

25 (2) The designation of official authorization to lobby shall be signed by an *[officer]* **official** of
26 each *[such public agency, corporation, association, organization or other group or by each individual*
27 *by whom]* **person that employs** the lobbyist *[is employed]* or in whose interest the lobbyist appears
28 or works.

29 (3) **If a lobbyist appears for a person for whom the lobbyist has not registered, the**
30 **lobbyist shall register with the commission within three working days of the lobbyist's ap-**
31 **pearance.**

32 *[A lobbyist shall notify the Oregon Government Standards and Practices Commission of a change*
33 *of address of the lobbyist or the person or agency by whom the lobbyist is employed within 30 days*
34 *of the change.]*

35 *[(4)]* A lobbyist must revise the statements required by subsection (1) of this section, if any of the
36 information contained therein changes. Revised statements shall be filed within 30 days of the
37 change.]

38 *[(5)]* A lobbyist registration expires two years after the date of filing or refiling and must be re-
39 newed by application accompanied by the fees described in ORS 171.743.]

40 (4) **If any of the information submitted by a lobbyist in the statement required under**
41 **subsection (1) of this section changes, the lobbyist shall revise the statement within 30 days**
42 **of the change.**

43 (5) **A lobbyist registration expires December 31 of an odd-numbered year. If a lobbyist**
44 **renews the registration before March 31 of the following even-numbered year, the commis-**
45 **sion shall consider the registration to have been effective as of December 31 of the odd-**

1 **numbered year on which the registration expired.**

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

6 **SECTION 5.** ORS 171.745 is amended to read:

7 171.745. (1) *[Any]* **A lobbyist** *[who engages in any lobbying activities shall file]* **registered** with
8 the Oregon Government Standards and Practices Commission **or required to register with the**
9 **commission shall**, on January 31 and July 31, of each even-numbered year, and on January 31,
10 April 30 and July 31 of each odd-numbered year, **file with the commission** a statement showing:

11 (a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying in the
12 preceding reporting period¹, *by general category, including but not limited to* **for**:

13 (A) Food, refreshments and entertainment;

14 (B) Printing, postage and telephone;

15 (C) Advertising, *[and]* public relations, education and research; and

16 (D) Miscellaneous; and

17 (b) The name of any legislative or executive official to whom or for whose benefit, on any one
18 occasion, an expenditure in excess of \$25 is made for the purposes of lobbying, and the date, name
19 of payee, purpose and amount of that expenditure.

20 (2) Beginning on July 1, 1979, the dollar amount specified in subsection (1)(b) of this section
21 shall be adjusted annually by the commission based upon the change in the Portland Consumer Price
22 Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the
23 United States Department of Labor or its successor during the preceding 12-month period. The
24 amount determined under this subsection shall be rounded to the nearest dollar.

25 (3) Statements required by this section need not include amounts expended by the lobbyist for
26 personal living and travel expenses and office overhead, including salaries and wages paid for staff
27 and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to
28 be included in a statement is not accurately known at the time the statement is required to be filed,
29 an estimate *[thereof]* **of the expenditure** shall be submitted in the statement and designated as
30 *[such]* **an estimate**. The exact amount expended for which a previous estimate was made shall be
31 submitted in a subsequent report when the information is available.

32 (4) Notwithstanding ORS 171.735, 171.740 and subsections (1) to (3) of this section, *[no]* **a regis-**
33 **tered lobbyist, who engages in lobbying activities without compensation on behalf of an**
34 **organization**, *shall be* **is not** required to register as a lobbyist for *[such]* **the organization** *[so]* **as**
35 long as the lobbying activity does not exceed the financial or time limits set in ORS 171.735 (4).

36 (5) A statement required by this section shall include a copy of any notice provided to a public
37 official under ORS 244.100 (3).

38 **(6) For each statement required by this section, an entity comprised of more than one**
39 **lobbyist may file one statement that reports expenditures by the entity and not by individual**
40 **lobbyists.**

41 **SECTION 6.** ORS 171.750 is amended to read:

42 171.750. (1) Any person *[or public agency which employs]* **on whose behalf** a lobbyist *[who]* was
43 registered, or *[who]* was required to register with the Oregon Government Standards and Practices
44 Commission at any time during the preceding calendar year, shall file with the *[Oregon Government*
45 *Standards and Practices]* commission, by January 31st of each year, a statement showing, for the

1 preceding calendar year:

2 (a) The total amount of all moneys expended for lobbying activities [*in*] **on** the [*employer's*]
3 **person's** behalf, excluding living and travel expenses incurred [*during a session of the Legislative*
4 *Assembly*] **for a lobbyist performing lobbying services.**

5 (b) The name of any legislative or executive official to whom or for whose benefit, on any one
6 occasion, an expenditure in excess of \$25 for the purpose of lobbying is made by the [*employer*]
7 **person**, but not including information previously reported in compliance with ORS 171.745, and the
8 date, name of payee, purpose and amount of that expenditure.

9 (2) Using July 1, 1979, as the base, the dollar amount specified in subsection (1)(b) of this section
10 shall be adjusted annually by the commission based upon the change in the Portland Consumer Price
11 Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the
12 United States Department of Labor, or its successor, during the preceding 12-month period. The
13 amount determined under this subsection shall be rounded to the nearest dollar.

14 (3) A statement required under subsection (1) of this section shall include a copy of any notice
15 provided to a public official under ORS 244.100 (3).

16 **SECTION 7.** ORS 171.756 is amended to read:

17 171.756. (1) [*No*] **A** lobbyist [*shall*] **may not** instigate the introduction of any legislative action
18 for the purpose of obtaining employment to lobby in opposition [*thereto*] **to the legislative action.**

19 (2) [*No*] **A** lobbyist [*shall*] **may not** attempt to influence the vote of any member of the Legis-
20 lative Assembly by the promise of financial support of the candidacy of the member, or by threat
21 of financing opposition to the candidacy of the member, at any future election.

22 (3) [*No*] **A** person [*shall*] **may not** lobby or offer to lobby for consideration any part of which
23 is contingent upon the success of any lobbying activity.

24 (4) [*No*] **A** legislative or executive official [*shall*] **may not** receive consideration other than from
25 the State of Oregon for acting as a lobbyist **in Oregon.**

26 **SECTION 8.** **The amendments to ORS 171.725, 171.730, 171.735, 171.740, 171.745, 171.750 and**
27 **171.756 by sections 1 to 7 of this 2001 Act apply to conduct occurring on or after the effective**
28 **date of this 2001 Act.**

29 **SECTION 9.** **ORS 171.743 is repealed.**

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