

House Bill 3292

Sponsored by Representative MERKLEY; Representatives AVAKIAN, BARNHART, BUCKLEY, HOLVEY, HUNT, MARCH, NOLAN, ROBLAN, ROSENBAUM, SHIELDS, TOMEI, WIRTH, WITT

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**.

Directs Oregon Government Standards and Practices Commission to allow filing of lobbyist statements on Internet. Directs commission to allow public access to statements using Internet.
Modifies schedule for filing lobbyist statements. Provides exemptions from filing requirements.
Allows commission to examine lobbying statements for sufficiency.
Modifies dollar amount above which lobbying expenditures must be itemized.
Modifies content of lobbyist registration statement to be filed with commission.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lobbying; creating new provisions; amending ORS 171.725, 171.740, 171.745, 171.750 and
3 171.772; and declaring an emergency.

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

5 **SECTION 1.** ORS 171.772 is amended to read:

6 171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government
7 Standards and Practices Commission shall:

8 (1) Prescribe forms for registrations, statements and reports required to be filed by ORS 171.725
9 to 171.785, and provide such forms to persons required to register and to file such statements and
10 reports.[]]

11 (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS
12 171.725 to 171.785.[] *and*]

13 (3) Make registrations, statements and reports filed available for public inspection and copying
14 during regular office hours, and make copying facilities available at a charge not to exceed actual
15 cost.

16 (4) **Adopt a filing system under which statements required to be filed under ORS 171.745
17 and 171.750 may be filed with the commission in an electronic format using the Internet. The
18 commission may not charge a fee for filing a statement under this subsection.**

19 (5) **Provide training on procedures for filing statements under subsection (4) of this sec-
20 tion.**

21 (6) **Make statements filed under ORS 171.745 and 171.750 available in a searchable format
22 for review by the public using the Internet.**

23 **SECTION 2.** Sections 3 to 6 of this 2005 Act are added to and made a part of ORS 171.725
24 to 171.785.

25 **SECTION 3.** Statements required to be filed with the Oregon Government Standards and
26 Practices Commission under ORS 171.745 and 171.750 shall be filed:

27 (1) **In odd-numbered years:**

28 (a) **Not later than March 7, for the accounting period beginning January 1 and ending on**

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 last day of February;

2 (b) Not later than May 7, for the accounting period beginning March 1 and ending April
3 30;

4 (c) Not later than July 7, for the accounting period beginning May 1 and ending June 30;

5 (d) Not later than September 7, for the accounting period beginning July 1 and ending
6 August 31; and

7 (e) Not later than January 7 of the following even-numbered year, for the accounting
8 period beginning September 1 and ending December 31.

9 (2) In even-numbered years:

10 (a) Not later than July 7, for the accounting period beginning January 1 and ending June
11 30; and

12 (b) Not later than January 7 of the following odd-numbered year, for the accounting pe-
13 riod beginning July 1 and ending December 31.

14 **SECTION 4.** (1) A person who is required to file a statement under ORS 171.750 and who
15 expects that the aggregate amount of expenditures to be made by or on behalf of the person
16 will not exceed \$2,000 in total amount during the calendar year may file a certificate to that
17 effect with the Oregon Government Standards and Practices Commission. A person who files
18 a certificate under this section is exempt from the requirement that statements be filed
19 under ORS 171.750 according to the schedule described in section 3 of this 2005 Act. The
20 person shall make the certificate according to the best of the knowledge or belief of the
21 person. The certificate shall be filed not later than the deadline for filing the first statement
22 under section 3 of this 2005 Act for the calendar year.

23 (2) A person who files a certificate under subsection (1) of this section must keep ex-
24 penditure records during the calendar year for which the certificate is filed.

25 (3) If at any time following the filing of a certificate under subsection (1) of this section
26 and during the calendar year for which the certificate is filed the aggregate amount of
27 expenditures otherwise required to be reported under ORS 171.750 exceeds \$2,000, the person
28 shall file a statement under ORS 171.750 when a statement for the reporting period in which
29 the expenditures exceeded \$2,000 is filed. The filed statement shall reflect all expenditures
30 made by or on behalf of the person to that date, beginning with January 1.

31 **SECTION 5.** (1) A lobbyist who is required to file a statement under ORS 171.745 and who
32 has indicated on the registration statement filed under ORS 171.740 that the lobbyist does
33 not expect to receive money or any other consideration for the purpose of lobbying and does
34 not expect to make expenditures during the calendar year is exempt from the requirement
35 that statements be filed under ORS 171.745 according to the schedule described in section 3
36 of this 2005 Act. For purposes of this section, a lobbyist may amend a registration statement
37 filed under ORS 171.740.

38 (2) A lobbyist exempt from filing statements under subsection (1) of this section must
39 keep compensation and expenditure records.

40 (3) If at any time following the filing of a registration statement under ORS 171.740 the
41 lobbyist receives money or any other consideration for the purpose of lobbying or makes an
42 expenditure, the lobbyist shall file a statement under ORS 171.745 when a statement for the
43 reporting period in which the money or consideration is received or expenditure made is
44 filed. The filed statement shall reflect all expenditures made by or on behalf of the person
45 to that date, beginning with the date the registration statement under ORS 171.740 was filed.

1 **SECTION 6.** (1) **The Oregon Government Standards and Practices Commission may ex-**
 2 **amine each statement filed under ORS 171.745 or 171.150 to determine whether the statement**
 3 **is sufficient.**

4 (2) **The commission immediately shall notify a person required to file a statement under**
 5 **ORS 171.745 or 171.150 if, upon examination of relevant materials, it appears to the commis-**
 6 **sion that the person has failed to file a required statement or that a statement filed with the**
 7 **filing officer by the person is insufficient.**

8 **SECTION 7.** ORS 171.725 is amended to read:

9 171.725. As used in ORS 171.725 to 171.785, unless the context requires otherwise:

10 (1) “Compensation” has the meaning given that term in ORS 292.951.

11 (2) “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or
 12 anything of value, and includes a contract, promise or agreement, whether or not legally enforcea-
 13 ble.

14 (3) “Executive agency” means a commission, board, agency or other body in the executive
 15 branch of state government that is not part of the legislative or judicial branch.

16 (4) “Executive official” means any member or member-elect of an executive agency and any
 17 member of the staff or an employee of an executive agency. A member of a state board or commis-
 18 sion, other than a member who is employed in full-time public service, is not an executive official
 19 for purposes of ORS 171.725 to 171.785.

20 (5) **“Internet” has the meaning given that term in ORS 167.117.**

21 [(5)] (6) “Judge” means an active judge serving on the Oregon Supreme Court, Court of Appeals,
 22 Oregon Tax Court, or an Oregon circuit court.

23 [(6)] (7) “Legislative action” means introduction, sponsorship, testimony, debate, voting or any
 24 other official action on any measure, resolution, amendment, nomination, appointment, or report, or
 25 any matter that may be the subject of action by either house of the Legislative Assembly, or any
 26 committee of the Legislative Assembly, or the approval or veto thereof by the Governor.

27 [(7)] (8) “Legislative official” means any member or member-elect of the Legislative Assembly,
 28 any member of an agency, board or committee that is part of the legislative branch, and any staff
 29 person, assistant or employee thereof.

30 [(8)] (9) “Lobbying” means influencing, or attempting to influence, legislative action through oral
 31 or written communication with legislative officials, solicitation of others to influence or attempt to
 32 influence legislative action or attempting to obtain the good will of legislative officials.

33 [(9)] (10) “Lobbyist” means:

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

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

39 (c) Any public official who lobbies.

40 [(10)] (11) “Public agency” means a commission, board, agency or other governmental body.

41 [(11)] (12) “Public official” means any member or member-elect of any public agency and any
 42 member of the staff or an employee of the public agency.

43 **SECTION 8.** ORS 171.745 is amended to read:

44 171.745. (1) A lobbyist registered with the Oregon Government Standards and Practices Com-
 45 mission or required to register with the commission shall, *[on January 31 and July 31, of each*

1 *even-numbered year, and on January 31, April 30 and July 31 of each odd-numbered year]* **according**
 2 **to the schedule described in section 3 of this 2005 Act**, file with the commission a statement
 3 showing:

4 (a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying in the
 5 preceding reporting period for:

- 6 (A) Food, refreshments and entertainment;
- 7 (B) Printing, postage and telephone;
- 8 (C) Advertising, public relations, education and research; and
- 9 (D) Miscellaneous; and

10 (b) The name of any legislative or executive official to whom or for whose benefit, on any one
 11 occasion, an expenditure in excess of [\$25] **\$5** is made for the purposes of lobbying, and the date,
 12 name of payee, purpose and amount of that expenditure.

13 *[(2) Beginning on July 1, 1979, the dollar amount specified in subsection (1)(b) of this section shall*
 14 *be adjusted annually by the commission based upon the change in the Portland Consumer Price Index*
 15 *for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United*
 16 *States Department of Labor or its successor during the preceding 12-month period. The amount deter-*
 17 *mined under this subsection shall be rounded to the nearest dollar.]*

18 [(3)] **(2)** Statements required by this section need not include amounts expended by the lobbyist
 19 for personal living and travel expenses and office overhead, including salaries and wages paid for
 20 staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure re-
 21 quired to be included in a statement is not accurately known at the time the statement is required
 22 to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an
 23 estimate. The exact amount expended for which a previous estimate was made shall be submitted in
 24 a subsequent report when the information is available.

25 [(4)] **(3)** Notwithstanding ORS 171.735, 171.740 and subsections (1) *[to (3)]* **and (2)** of this section,
 26 a registered lobbyist, who engages in lobbying activities without compensation on behalf of an or-
 27 ganization is not required to register as a lobbyist for the organization as long as the lobbying ac-
 28 tivity does not exceed the financial or time limits set in ORS 171.735 (4).

29 [(5)] **(4)** A statement required by this section shall include a copy of any notice provided to a
 30 public official under ORS 244.100 (3).

31 [(6)] **(5)** For each statement required by this section, an entity comprised of more than one
 32 lobbyist may file one statement that reports expenditures by the entity and not by individual
 33 lobbyists.

34 **SECTION 9.** ORS 171.750 is amended to read:

35 171.750. (1) Any person on whose behalf a lobbyist was registered, or was required to register
 36 with the Oregon Government Standards and Practices Commission at any time during the preceding
 37 calendar year, shall file with the commission, *[by January 31st of each year]* **according to the**
 38 **schedule described in section 3 of this 2005 Act**, a statement showing, for the preceding calendar
 39 year:

40 (a) The total amount of all moneys expended for lobbying activities on the person's behalf, ex-
 41 cluding living and travel expenses incurred for a lobbyist performing lobbying services.

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

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

6 [(3)] (2) A statement required under subsection (1) of this section shall include a copy of any
 7 notice provided to a public official under ORS 244.100 (3).

8 **SECTION 10.** ORS 171.740 is amended to read:

9 171.740. (1) Within three working days after exceeding the limit of time or expenditure specified
 10 in ORS 171.735 (4), a lobbyist shall register with the Oregon Government Standards and Practices
 11 Commission by filing with the commission a statement containing the following information:

12 (a) The name, address, [and] telephone number **and any electronic mail and Internet website**
 13 **address** of the lobbyist.

14 **(b)(A) A description of the method of compensation or an indication that the lobbyist is**
 15 **an employee or providing services pursuant to a contract if the lobbyist receives money or**
 16 **any other consideration for the purpose of lobbying; or**

17 **(B) An indication that the lobbyist does not expect to receive money or any other con-**
 18 **sideration for the purpose of lobbying and does not expect to make expenditures for the**
 19 **purpose of lobbying.**

20 [(b)] (c) The name, address, [and] telephone number **and any electronic mail and Internet**
 21 **website address** of each person that employs the lobbyist or in whose interest the lobbyist appears
 22 or works.

23 [(c)] (d) A [general] description of [the trade, business, profession or area of endeavor of] any
 24 person designated under paragraph [(b)] (c) of this subsection, and a statement by the person that
 25 the lobbyist is officially authorized to lobby for the person. **The description shall:**

26 **(A) State whether the person is a business entity, association, nonprofit organization,**
 27 **labor organization, individual or other person as designated by the commission by rule;**

28 **(B) Describe the nature of the business activities, industry, trade, profession, association,**
 29 **organization or related entity or other area of endeavor of the person; and**

30 **(C) Include such other information as the commission may require by rule.**

31 [(d)] (e) The name of any member of the Legislative Assembly employed, retained or otherwise
 32 compensated by:

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

34 (B) A person designated under paragraph [(b)] (c) of this subsection.

35 [(e)] (f) The general subject or subjects of the legislative action of interest to the person for
 36 whom the lobbyist is registered. **The general subject or subjects shall be selected from a range**
 37 **of subject-matter options designated by the commission by rule.**

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

40 (3) If a lobbyist appears for a person for whom the lobbyist has not registered, the lobbyist shall
 41 register with the commission within three working days of the lobbyist's appearance.

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

44 (5) A lobbyist registration expires December 31 of an odd-numbered year. If a lobbyist renews
 45 the registration before March 31 of the following even-numbered year, the commission shall consider

1 the registration to have been effective as of December 31 of the odd-numbered year on which the
 2 registration expired.

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

7 **SECTION 11.** (1) Sections 3 to 6 of this 2005 Act and the amendments to ORS 171.725,
 8 171.740, 171.745, 171.750 and 171.772 by sections 1 and 7 to 10 of this 2005 Act become operative
 9 January 1, 2006.

10 (2) Sections 3 and 4 of this 2005 Act and the amendments to ORS 171.745 and 171.750 by
 11 sections 8 and 9 of this 2005 Act apply to statements and certificates required to be filed for
 12 the reporting period beginning January 1, 2006.

13 (3) Section 5 of this 2005 Act applies to lobbyist registration statements filed prior to, on
 14 or after the operative date of section 5 of this 2005 Act.

15 (4) Section 6 of this 2005 Act applies to statements filed prior to, on or after the operative
 16 date of section 6 of this 2005 Act.

17 (5) The amendments to ORS 171.745 by section 8 of this 2005 Act apply to expenditures
 18 made on and after the operative date of the amendments to ORS 171.745 by section 8 of this
 19 2005 Act.

20 (6) The amendments to ORS 171.740 by section 10 of this 2005 Act apply to statements
 21 filed or amended on or after the operative date of the amendments to ORS 171.740 by section
 22 10 of this 2005 Act.

23 (7) The Oregon Government Standards and Practices Commission may adopt rules or
 24 take any other action before the operative date specified in subsection (1) of this section that
 25 is necessary to enable the commission to exercise, on and after the operative date specified
 26 in subsection (1) of this section, all the duties, functions and powers conferred on the com-
 27 mission by this 2005 Act.

28 **SECTION 12.** This 2005 Act being necessary for the immediate preservation of the public
 29 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
 30 on its passage.

31 _____