

Oregon Lobbying Statute

171.725 Definitions for ORS 171.725 to 171.785.

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

- (1) “Compensation” has the meaning given that term in ORS 292.951.
- (2) “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.
- (3) “Executive agency” means a commission, board, agency or other body in the executive branch of state government that is not part of the legislative or judicial branch.
- (4) “Executive official” means any member or member-elect of an executive agency and any member of the staff or an employee of an executive agency. A member of a state board or commission, other than a member who is employed in full-time public service, is not an executive official for purposes of ORS 171.725 to 171.785.
- (5) “Judge” means an active judge serving on the Oregon Supreme Court, Court of Appeals, Oregon Tax Court, or an Oregon circuit court.
- (6) “Legislative action” means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly, or the approval or veto thereof by the Governor.
- (7) “Legislative official” means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.
- (8) “Lobbying” means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of others to influence or attempt to influence legislative action or

attempting to obtain the good will of legislative officials.

- (9) “Lobbyist” means:
 - (a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying.
 - (b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.
 - (c) Any public official who lobbies.
- (10) “Public agency” means a commission, board, agency or other governmental body.
- (11) “Public official” means any member or member-elect of any public agency and any member of the staff or an employee of the public agency. [1973 c.802 §2; 1975 c.747 §1; 1977 c.588 §1; 1987 c.566 §1; 1991 c.378 §1; 2001 c.751 §1]

171.730 Lobbying regulation purpose. The Legislative Assembly finds that, to preserve and maintain the integrity of the legislative process, persons who engage in efforts to persuade members of the Legislative Assembly or the executive branch to take specific actions, either by direct communication with members or employees of the Legislative Assembly or the executive branch or by solicitation of others to engage in those efforts, should regularly report their efforts to the public. [1973 c.802 §1; 2001 c.751 §2]

171.735 Application of ORS 171.740 and 171.745 to certain persons. ORS 171.740 and 171.745 do not apply to the following persons:

- (1) News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge legislative action but that engage in no other activities in connection with the legislative action.
- (2) Any legislative official acting in an official capacity.

- (3) Any individual who receives no compensation or reimbursement of expenses for lobbying, who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when testifying, registers an appearance in the records of the committees or agencies.
- (4) A person who spends not more than 24 hours during any calendar quarter lobbying and who does not spend an amount in excess of \$100 lobbying during any calendar quarter.
- (5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries and any judge. [1973 c.802 §3; 1974 c.72 §27; 1975 c.747 §2; 1977 c.588 §1a; 1979 c.666 §1; 1981 c.528 §1; 1987 c.566 §2; 1991 c.378 §2; 1993 c.714 §1; 2001 c.751 §3]
- 171.740 Lobbyists required to register; contents of statement.** (1) Within three working days after exceeding the limit of time or expenditure specified in ORS 171.735 (4), a lobbyist shall register with the Oregon Government Standards and Practices Commission by filing with the commission a statement containing the following information:
- (a) The name, address and telephone number of the lobbyist.
- (b) The name, address and telephone number of each person that employs the lobbyist or in whose interest the lobbyist appears or works.
- (c) A general description of the trade, business, profession or area of endeavor of any person designated under paragraph (b) of this subsection, and 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) If a lobbyist appears for a person for whom the lobbyist has not registered, the lobbyist shall register with the commission within three working days of the lobbyist's appearance.
- (4) 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 an odd-numbered year. If a lobbyist renews the registration before March 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 that 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. [1973 c.802 §4; 1974 c.72 §28; 1975 c.747 §3; 1987 c.566 §3; 1993 c.714 §2; 2001 c.751 §4]
- 171.743** [1993 c.714 §3; repealed by 2001 c.751 §9]
- 171.745 Statements of lobbying expenses required; contents; time of filing.** (1) A lobbyist registered with the Oregon Government Standards and Practices Commission or required to register

with the commission shall, on January 31 and July 31, of each even-numbered year, and on January 31, April 30 and July 31 of each odd-numbered year, file with the commission a statement showing:

- (a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying in the preceding reporting period for:
 - (A) Food, refreshments and entertainment;
 - (B) Printing, postage and telephone;
 - (C) Advertising, public relations, education and research; and
 - (D) Miscellaneous; and
- (b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of \$25 is made for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.
- (2) Beginning on July 1, 1979, the dollar amount specified in subsection (1)(b) of this section shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest dollar.
- (3) Statements required by this section need not include amounts expended by the lobbyist for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.
- (4) Notwithstanding ORS 171.735, 171.740 and subsections (1) to (3) of this section, a

registered lobbyist, who engages in lobbying activities without compensation on behalf of an organization is not required to register as a lobbyist for the organization as long as the lobbying activity does not exceed the financial or time limits set in ORS 171.735 (4).

- (5) A statement required by this section shall include a copy of any notice provided to a public official under ORS 244.100 (3).
- (6) For each statement required by this section, an entity comprised of more than one lobbyist may file one statement that reports expenditures by the entity and not by individual lobbyists. [1973 c.802 §5; 1974 c.72 §29; 1975 c.747 §4; 1979 c.666 §2; 1987 c.158 §32; 1987 c.566 §4; 1991 c.354 §1; 1991 c.677 §2; 1993 c.743 §4; 2001 c.751 §5]

171.750 Employers of lobbyists required to file expense statements; annual revision of base amount.

(1) Any person on whose behalf a lobbyist was registered, or was required to register with the Oregon Government Standards and Practices Commission at any time during the preceding calendar year, shall file with the commission, by January 31st of each year, a statement showing, for the preceding calendar year:

- (a) The total amount of all moneys expended for lobbying activities on the person's behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services.
- (b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of \$25 for the purpose of lobbying is made by the person, but not including information previously reported in compliance with ORS 171.745, and the date, name of payee, purpose and amount of that expenditure.
- (2) Using July 1, 1979, as the base, the dollar amount specified in subsection (1)(b) of this section shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor, or its successor, during the preceding 12-month period. The amount determined under this subsection shall be

rounded to the nearest dollar.

- (3) A statement required under subsection (1) of this section shall include a copy of any notice provided to a public official under ORS 244.100 (3). [1973 c.802 §6; 1975 c.747 §5; 1979 c.666 §3; 1987 c.566 §5; 1991 c.677 §3; 2001 c.751 §6]

171.755 [1965 c.488 §1; repealed by 1973 c.802 §15]

171.756 Prohibited conduct. (1) A lobbyist may not instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition to the legislative action.

- (2) A lobbyist may not attempt to influence the vote of any member of the Legislative Assembly by the promise of financial support of the candidacy of the member, or by threat of financing opposition to the candidacy of the member, at any future election.
- (3) A person may not lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.
- (4) A legislative or executive official may not receive consideration other than from the State of Oregon for acting as a lobbyist in Oregon. [1973 c.802 §7; 1974 c.72 §30; 1975 c.747 §6; 1987 c.566 §6; 1989 c.340 §1; 1993 c.743 §5; 2001 c.751 §7]

171.760 [1965 c.488 §4; repealed by 1973 c.802 §15]

171.762 Verification of reports, registrations and statements. (1) Each report, registration or statement required by ORS 171.725 to 171.785 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

- (2) No person shall willfully make and subscribe any document which contains or is verified by a written declaration for false swearing which the person does not believe to be true and correct to every matter. [1973 c.802 §8; 1979 c.666 §4]

171.764 False statement or misrepresentation by lobbyist or public official prohibited; defense. (1) No lobbyist or public official, as defined in ORS 244.020, shall make any false statement or misrepresentation to any legislative or

executive official or, knowing a document to contain a false statement, cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth as prescribed in subsection (2) of this section.

- (2) It is a defense to a charge of violation of subsection (1) of this section if the person who made the false statement or misrepresentation retracts the statement or misrepresentation and notifies the official in writing of the truth:
- (a) In a manner showing complete and voluntary retraction of the prior false statement or misrepresentation; and
- (b) Before the subject matter of the false statement or misrepresentation is submitted to a vote of a legislative committee or either house of the Legislative Assembly or is relied upon by an executive official in an administrative hearing.
- (3) As used in this section:
- (a) “False statement or misrepresentation” means the intentional misrepresentation or misstatement of a material fact.
- (b) “Material” means that which may have affected the course or outcome of any proceeding or transaction if known prior to the proceeding or transaction. [1993 c.743 §6]

171.765 [1965 c.488 §2; repealed by 1973 c.802 §15]

171.766 Public nature of reports, registrations and statements. All information submitted to the Oregon Government Standards and Practices Commission in any report, registration or statement required by ORS 171.725 to 171.785 is a public record. [1973 c.802 §9; 1983 c.740 §38]

171.770 [1965 c.488 §3; repealed by 1973 c.802 §15]

171.772 Commission to prescribe forms, accept voluntary filings and provide public access to filed information. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government Standards and Practices Commission shall:

- (1) Prescribe forms for registrations, statements and reports required to be filed by ORS 171.725 to 171.785, and provide such forms to

persons required to register and to file such statements and reports;

- (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS 171.725 to 171.785; and
- (3) Make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost. [1973 c.802 §10; 1983 c.740 §39]

171.775 [1965 c.488 §5; repealed by 1973 c.802 §15]

171.776 Commission's duties; advisory opinions; status of opinions.

(1) In addition to the duties prescribed in ORS 171.772, the Oregon Government Standards and Practices Commission may make inquiries or investigations in the manner prescribed in ORS 171.778 with respect to registrations, statements and reports filed under ORS 171.725 to 171.785, and with respect to any alleged failure to register or to file any statements or reports required under ORS 171.725 to 171.785, and upon signed complaint by any individual or on its own instigation, with respect to apparent violation of any part of ORS 171.725 to 171.785.

- (2) Upon written request of any lobbyist, lobbyist employer or any person, or upon its own motion, the commission, under signature of the chairperson, may issue and publish opinions on the requirements of ORS 171.725 to 171.785, based on actual or hypothetical circumstances.
- (3) If any lobbyist or lobbyist employer associated with the lobbyist is in doubt whether a proposed transaction or action constitutes a violation of ORS 171.725 to 171.785, the lobbyist or lobbyist employer may request in writing a determination from the commission. The requester shall supply such information as the commission requests to enable it to issue the interpretation.
- (4) A lobbyist or lobbyist employer associated with the lobbyist shall not be liable under ORS 171.725 to 171.785 for any action or transaction carried out in accordance with an advisory interpretation issued under subsection (3) of this section. Such an advisory interpretation shall be considered a formal opinion having precedential effect and shall

be subject to review by legal counsel to the commission before the interpretation is sent to the requester. [1973 c.802 §11; 1983 c.740 §40; 1993 c.743 §7]

171.778 Investigation and review of complaints of violations of ORS 171.725 to 171.785; procedure; confidentiality; order; court review.

(1) Upon its own instigation or signed complaint of any person, the Oregon Government Standards and Practices Commission may undertake action in the Preliminary Review Phase with respect to any alleged violation of ORS 171.725 to 171.785. The person who is the subject of a complaint or of the commission's own action shall be notified immediately upon receipt of the complaint or upon adoption of a motion by the commission to undertake any action concerning the person. The notice shall be given by telephone if the person can be reached and a notice shall also be mailed to the person. The notice shall include the nature of the complaint or motion and a copy of all materials submitted along with the complaint or materials which give rise to the commission's instigation of action on its own motion. However, the person must also be notified in advance if an issue that may give rise to a motion to undertake action on the commission's own instigation is to be discussed at a commission meeting. Before investigating any complaint or undertaking an investigation on its own instigation, the commission shall make a finding that there is cause to undertake an investigation, notify the person who is the subject of the investigation, identify the issues to be examined and shall confine its investigation to those issues. If the commission finds reason to expand its investigation, it shall move to do so and shall record in its minutes the issues to be examined before expanding the scope of its investigation and formally notify the complainant and the person who is the subject of the complaint of the expansion and the scope thereof. If the commission does not make a finding of cause, it shall dismiss the complaint or rescind its motion and shall formally enter the dismissal or rescission on its records. The commission shall notify the person of the dismissal or rescission. After dismissal or rescission, the commission shall take no further action involving the person unless a new and different complaint is filed or action at its own instigation is undertaken based on different conduct.

- (2) The commission may:
- (a) During the Preliminary Review Phase, seek, solicit or otherwise obtain any books, papers, records, memoranda or other additional information, administer oaths, and take depositions necessary to determine whether there is cause; and
 - (b) During the Investigatory Phase, require any additional information, administer oaths, take depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to complete the investigation. If any person fails to comply with any subpoena issued under this section or refuses to testify on any matters on which the person may be lawfully interrogated, the procedure provided in ORS 183.440 shall be followed to compel compliance.
- (3) The person conducting any inquiry or investigation shall do so in an impartial, objective manner. All favorable and unfavorable information collected by the investigator shall be turned over to the commission.
- (4) The findings of the commission in any inquiry or investigation shall be reported impartially, including both favorable and unfavorable findings, and shall be made available to the person who is the subject thereof and to any employer of the person.
- (5) Hearings relating to any charge of alleged violation of ORS 171.725 to 171.785 must be held before an administrative law judge assigned from the Office of Administrative Hearings established under section 3, chapter 849, Oregon Laws 1999. The procedure shall be that for a contested case under ORS 183.310 to 183.550.
- (6) (a) The period of time from the filing of a complaint or from acting on the commission's own instigation to the finding of cause or dismissal of the complaint or rescission of the motion shall be termed the Preliminary Review Phase and shall not exceed 90 days unless a delay is stipulated to by both the subject person and the Oregon Government Standards and Practices Commission, with the commission reserving a portion of the delay period to complete its actions.
- (b) The Preliminary Review Phase shall be confidential. Commission members and staff may acknowledge receipt of a complaint but shall make no public comment or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the commission or its staff may file a petition in a court of competent jurisdiction in the county in which the petitioner resides in order to enforce the civil penalty provided in this paragraph.
- (c) The commission's deliberations of a case at the conclusion of the Preliminary Review Phase shall be conducted in executive session. All case related materials and proceedings shall be open to the public after the commission makes a finding of cause, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review Phase, the executive director of the commission shall prepare a statement of the facts determined during the phase, including appropriate legal citations and relevant authorities. Before presentation to the commission, the executive director's statement shall be reviewed by legal counsel to the commission.
- (d) The time limit imposed in this subsection and the commission's inquiry are suspended if:
- (A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission, unless the parties stipulate otherwise; or
 - (B) A court has enjoined the commission from continuing its inquiry.

- (7) (a) The period of time from the finding of cause to the beginning of any contested case proceedings shall be termed the Investigatory Phase and shall not exceed 120 days unless a delay is stipulated to by both the subject person and the Oregon Government Standards and Practices Commission, with the commission reserving a portion of the delay period to complete its actions.
- (b) The time limit imposed in this subsection and the commission's investigation are suspended if:
- (A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission, unless the parties stipulate otherwise; or
- (B) A court has enjoined the commission from continuing its investigation.
- (c) At the end of the Investigatory Phase, the commission shall take action by order, which action may include:
- (A) Dismissal, with or without comment;
- (B) Continuation of the investigation to determine further facts, but no more than one continuation, not to exceed 30 days' duration, shall be taken;
- (C) Moving to a contested case proceeding;
- (D) Seeking a negotiated settlement; or
- (E) Taking other appropriate action if justified by the findings.
- (8) If, at the end of the Investigatory Phase, the commission takes action by order to move to a contested case proceeding, a person may notify the commission that the person elects to have the commission file a lawsuit against the person in the Marion County Circuit Court in lieu of the contested case proceeding. The court may impose the penalty described in ORS 171.992. The person shall notify the commission of the election in writing no later than 21 days after receiving notification of the commission's action by order to move to the contested case proceeding. The commission shall file suit within 30 days after receiving notice that the person has elected the lawsuit procedure.
- (9) The commission shall not inquire into or investigate any complaint or act at its own instigation on alleged conduct that occurred more than four years before the complaint is filed or action is undertaken.
- (10) Nothing in this section is intended to prevent the commission and the person alleged to have violated ORS 171.725 to 171.785 from stipulating to a finding of fact concerning the violation and consenting to an appropriate penalty. The commission shall enter an order accordingly.
- (11) As used in this section, "cause" and "pending" have the meanings given those terms in ORS 244.260. [1993 c.743 §2; 1993 c.747 §1; 1999 c.849 §48, §49; 2003 c.75 §27]
- Note:** The amendments to 171.778 by section 49, chapter 849, Oregon Laws 1999, become operative January 1, 2004. See section 50, chapter 849, Oregon Laws 1999. The text that is operative on and after January 1, 2004, is set forth for the user's convenience.
- 171.780** [1973 c.802 §14; repealed by 1981 c.522 §2]
- 171.785 Sanctions to be prescribed by either chamber of Legislative Assembly; uniform application.** (1) In addition to such penalties as otherwise may be provided by law, a person is subject to such sanctions as either house of the Legislative Assembly may prescribe if the person:
- (a) Violates any provision of ORS 171.740 to 171.762; or
- (b) Fails to file any report, registration or statement or to furnish any information required by ORS 171.725 to 171.785 and 171.992.
- (2) The sanctions referred to in subsection (1) of this section shall be uniformly applied to all persons subject to ORS 171.725 to 171.785 and 171.992. [1973 c.802 §12]

Contact With Legislative Assembly

171.790 Local government officials and employees authorized to contact Legislative Assembly. Notwithstanding any provision of a city or county charter or any ordinance or order adopted thereunder, a city or county shall not:

- (1) Prohibit an elected official, other officer or employee of the city or county from initiating contacts with legislators or giving testimony before public sessions of committees of the Legislative Assembly or public hearings of state agencies when:
 - (a) The contacts are made or testimony given as a representative of the city or county;
 - (b) The contacts are made or testimony given to represent the interests of the city or county or the residents thereof;
 - (c) No substantial part of the duties performed by the official, officer or employee consists of influencing or attempting to influence matters which may be the subject of action by either house of the Legislative Assembly or any of its committees;
 - (d) The official, officer or employee receives no consideration for making the contacts or giving testimony other than the remuneration ordinarily paid to the official, officer or employee out of the funds of the city or county in return for duties performed for the city or county, together with reimbursement for expenses actually and necessarily incurred in appearing before the legislative committees or state agencies; and
 - (e) The official, officer or employee is not required to register with the Oregon Government Standards and Practices Commission under ORS 171.725 to 171.785 and the rules of the commission adopted thereunder.
- (2) Prohibit an elected official, other officer or employee of the city or county from initiating contacts with legislators when the contacts are made to express personal political views and do not occur during working hours while the official, officer or employee is on the job.

- (3) Prohibit an elected official, other officer or employee of the city or county from responding to requests from legislators or committees of the Legislative Assembly for information, data or opinions. [1985 c.788 §1]

171.795 Electronic distribution of information.

- (1) The Legislative Assembly finds and declares that it is now possible and feasible in this electronic age to distribute information more widely by way of electronic communication. The Legislative Assembly further finds that it is desirable to make information available to the citizens of this state in a timely manner and for the least possible cost. The use of electronic communication will:
 - (a) Better inform the public of legislative proceedings and matters pending before the Legislative Assembly;
 - (b) Allow broader participation among Oregonians in the legislative process;
 - (c) Make information regarding legislative matters and proceedings more readily available to the citizens of this state;
 - (d) Allow constituents to better communicate with their elected representatives, irrespective of where they reside;
 - (e) Make administrative rules adopted or amended by state agencies more readily available to the citizens of this state; and
 - (f) Provide the public with a better insight into the operations of state government.
- (2) This section and ORS 173.763, 173.766 and 183.365 may be cited as the Oregon Public Access Act. [1995 c.614 §§1, 2]