

OREGON GOVERNMENT ETHICS COMMISSION
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GUIDE TO LOBBYING IN OREGON



ORS 171.730 Legislative finding.

"The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, persons who engage in efforts to influence legislative action, either by direct communication with legislative officials or by solicitation of executive officials or other persons to engage in those efforts, should regularly report their efforts to the public."

DISCLAIMER

This guide discusses how the provisions in Chapter 171 of the Oregon Revised Statutes apply to lobbying activities. ORS 244.320 requires the Oregon Government Ethics Commission to provide publications that explain, in understandable terms, the requirements of Oregon Lobbying Regulations and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, the statutory language has been summarized and paraphrased in this guide. Therefore, the discussion in this guide should be read in conjunction with the specific statutes and rules.

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I. WHAT IS LOBBYING?

A person is lobbying if that person influences or attempts to influence **legislative action**. Lobbying activity can either support or oppose the legislative action and would include verbal and written communication with legislative and executive officials or by soliciting others to support or oppose the legislative action. An effort to gain the goodwill of legislative officials is also lobbying. [ORS 171.725(8)]

Legislative Action: This is action that occurs primarily in the Legislative Assembly and includes introducing, sponsoring, testifying, debating, voting or any other official action on any measure, resolution, amendment, nomination, appointment or report subject to action by the Legislative Assembly. Legislative action is also the approval or veto of legislative action by the Governor. [ORS 171.725(6)]

Lobbyist: A lobbyist is defined in ORS 171.725(9) as any person who agrees to provide lobbying services for money or other consideration. The term lobbyist also includes public officials and representatives of a corporation, association, organization or other group who lobby.

II. WHO IS REQUIRED TO REGISTER AS A LOBBYIST?

Any person who spends either 24 hours or \$100 in one calendar quarter on any of the following lobbying activities is required to register as a lobbyist:
[ORS 171.735(4)]

- Talking or corresponding in writing with a legislative official to influence or attempt to influence legislative action. [ORS 171.725(8)]
- Talking or corresponding in writing with an executive official to solicit the official to influence or attempt to influence legislative action. [ORS 171.725(8)]
- Talking or corresponding in writing with others to solicit their efforts to influence or attempt to influence legislative action. [ORS 171.725(8)]
- Attempting to obtain the goodwill of legislative officials. [ORS 171.725(8)]

Persons who register as lobbyists may meet the requirement while engaged in the following activities:

- Receiving compensation or any other consideration for personal services performed for the purpose of lobbying. [ORS 171.725(9)(a)]
- Providing personal services for the purpose of lobbying, as a representative of a corporation, association, organization or other group. [ORS 171.725(9)(b)]
- A public official who engages in any of the preceding activities. [ORS 171.725(9)(c)]

Lobbying activity takes many forms, so it is difficult to make a comprehensive list. Any of the following activities, undertaken for the purposes of influencing legislative action or engendering goodwill, are offered as examples of lobbying activity:

- Testimony at legislative committee hearings
- Formal appointments
- Casual conversations
- Written correspondence (letters, memos, e-mails, notes)
- Telephone conversations
- Providing:
 - Dining, cocktail parties
 - Travel and accommodations

Please contact the Oregon Government Ethics Commission if you have questions about an activity.

A person is not required to register as a lobbyist if the following apply:

- A person represents a news media organization and in the ordinary course of business, directly or indirectly urges legislative action, but does not engage in other activities in connection with the legislative action. *[ORS 171.735(1)]*
- A legislative official acting in an official capacity. *[ORS 171.735(2)]*
- Lobbying activities are limited to registering for and offering testimony in public sessions of legislative committees or state agencies without receiving compensation or other consideration. *[ORS 171.735(3)]*
- A person spends less than 24 hours lobbying or spends less than \$100 on lobbying activities during a calendar quarter. *[ORS 171.735(4)]*
- A person holds one of the following positions: *[ORS 171.735(5)]*

Governor and Governor's Chief of Staff, Deputy Chief of Staff, Legal Counsel and Deputy Legal Counsel

Secretary of State, Deputy Secretary of State

State Treasurer, Treasurer's Chief Deputy and Chief of Staff

Attorney General, Deputy Attorney General

Superintendent of Public Instruction

Commissioner of the Bureau of Labor and Industries

Oregon Law Commission members and staff

Judges

III. HOW TO REGISTER AS A LOBBYIST

When to register:

ORS 171.740(1) requires a person to register as a lobbyist within three working days from the time that any of the following criteria is met:

The person has engaged in lobbying activities for 24 hours in a calendar quarter. [ORS 171.735(4)]

The person has spent \$100 on lobbying activity expenses in a calendar quarter. [ORS 171.735(4)]

A registered lobbyist has begun to represent an additional client or employer. [ORS 171.740(3)]

Remember: If a person limits lobbying activities only to registering for and testifying in public sessions of legislative committees or state agencies without compensation or other consideration, that person is not required to register. [ORS 171.735(3)]

How to register:

- Obtain a Lobbying Registration Statement form from the Oregon Government Ethics Commission at:

Oregon Government Ethics Commission
3218 Pringle Road, SE, Room 220
Salem, Oregon 97302-1544

Telephone: 503-378-5105
FAX: 503-373-1456

OR

- Download a form from the Oregon Government Ethics Commission website at www.oregon.gov/ogec by selecting the **Forms and Publications** link.
- Complete the one page form and submit it to the Commission. [ORS 171.772(1)]

What if there are two or more lobbyists who are employed by the same public agency, organization or business who plan to lobby for the same client or employer?

The Lobbying Registration Statement can be used to register more than one lobbyist to represent the same client or employer. Each lobbyist who registers on the same form must sign the form and share the same address and contact information. The client or employer must sign the form authorizing the lobbyists to represent them. [ORS 171.740(6)]

Even though the registration form allows more than one lobbyist to register to represent the same client or employer, each lobbyist remains personally responsible for compliance with lobbying regulations. This includes notifying the Commission of any changes in address, canceling the lobbying registration and filing the lobbyist's quarterly expenditure reports. [ORS 171.740(4)]

What information is needed to complete the Lobbying Registration Statement form? [ORS 171.772(1) and ORS 171.772(4)]

Section 1:

Enter the lobbyist's address, telephone numbers, e-mail address and the name of a contact person. [ORS 171.740(1)(a)]

Provide the name of any member of the Legislative Assembly who is employed or compensated by the lobbyist or the lobbyist's business or organization. [ORS 171.740(1)(d)]

Section 2:

Enter the lobbyist's name and signature. [ORS 171.762]

Section 3:

Enter the name of the client or employer and a representative of the client or employer. Include an address, telephone numbers and an e-mail address. [ORS 171.740(1)(b)]

Provide a general description of the trade, business, profession or area of endeavor for the client or employer. [ORS 171.740(1)(c)]

Provide a description of the general subject(s) in which the client or employer has an interest with regard to legislative action. [ORS 171.740(1)(e)]

List the name of any member of the Legislative Assembly who is employed or compensated by the client or employer represented by the lobbyist. [ORS 171.740(1)(d)]

Section 4:

Obtain the signature of a representative of the client or employer who authorizes the lobbyist to lobby on their behalf. [ORS 171.740(1)(c), ORS 171.740(2) and ORS 171.762]

REMEMBER: A lobbyist must separately **register for each client or employer** they represent. [ORS 171.740(3)]

What does it cost to register?

There is no fee to register as a lobbyist. [ORS 171.772(4)]

How long is the registration in effect?

All lobbyist registrations expire on December 31 of each odd-numbered year. [ORS 171.740(5)]

How is a lobbyist registration renewed?

A lobbyist must submit a new Lobbying Registration Statement to renew a registration. [ORS 171.772(1)]

Note: If a lobbyist *renews* a registration before March 31 following the December 31 expiration date, the registration will be considered continuous. [ORS 171.740(5)]

If a lobbyist represents several clients or employers, can one registration form be used for all?

No. A lobbyist must submit a separate registration form for each of the clients or employers that the lobbyist represents as a lobbyist. [ORS 171.740(3)]

What if a lobbyist stops lobbying?

If a lobbyist discontinues lobbying on behalf of a client or employer, a Lobbyist Termination form may be filed to cancel the lobbyist's registration. [ORS 171.772(1)]

The termination form used to cancel a lobbyist's registration may be signed and submitted by either the lobbyist or the client or employer of the lobbyist. The form is posted on the Commission's website, but if a Lobbyist Termination form is not available, notification may be submitted to the Commission in writing stating that the lobbyist's registration is to be canceled.

The termination of a lobbyist registration is effective on the date the written notice is received by the Commission.

The lobbyist must complete a lobbying expenditure report for the calendar quarter in which the registration was terminated.

If a lobbyist fails to cancel a registration, the requirement to report expenditures remains and the Commission will continue to send the quarterly expenditure

reports to the lobbyist and the client or employer. The reporting requirement remains in effect until the lobbyist registration is either terminated or until it expires on December 31st of the next odd numbered year. [ORS 171.740(5) and ORS 171.752]

IV. LOBBYING RESTRICTIONS AND PROHIBITIONS

Oregon law prohibits lobbyists from engaging in the following conduct:

- Instigating the introduction of legislative action for the purpose of gaining employment as a lobbyist in opposition of that same legislative action. [ORS 171.756(1)]
- Attempting to influence the vote of a legislator with the promise of giving financial support to a legislator's candidacy or the threat of financing opposition to a legislator's candidacy. [ORS 171.756(2)]
- Lobbying or offering to lobby for compensation or consideration, any part of which is contingent upon the success of the lobbying effort. [ORS 171.756(3)]
- A legislative or executive official may not receive consideration from any source other than the State of Oregon for being a lobbyist. [ORS 171.756(4)]
- Knowingly or willfully make false statements or misrepresentations to a legislative or executive official. [ORS 171.764(1)]
- Knowingly cause a document containing a false statement to be submitted to a legislative or executive official, without notifying the official of the truth in writing. [ORS 171.764(1)]
- The lobbyist or the client or employer of the lobbyist must not submit lobbying registration forms, lobbying expenditure reports or other documents to the Commission when the information is not believed to be true or correct. [ORS 171.762]

Are there other restrictions?

Yes. Other restrictions include the following:

- During a calendar year, gifts offered to public officials, in whose governmental agency the source of the offer has a legislative or administrative interest, cannot exceed an aggregate value of \$50. This restriction also applies to the gifts offered to relatives of the official and members of the public official's household. [ORS 244.025(2)]

- During a calendar year, gifts offered to candidates for positions as public officials, in whose governmental agency the source of the offer has a legislative or administrative interest, cannot exceed an aggregate value of \$50. This restriction also applies to the gifts offered to relatives of the candidates and members of the candidate's household. [ORS 244.025(3)]
- Gifts of admission provided to or the cost of food or beverage consumed by a public official, relatives of the public official or members of the public official's household are allowed under conditions set out in ORS 244.020(6)(b)(E) and OAR 199-005-0015. Those statutes and rules should be reviewed before offering such gifts.
- Gifts of food, lodging and travel expenses to a public official, relatives of the public official or members of the public official's household are allowed under conditions set out in ORS 244.020(6)(b)(F), ORS 244.020(6)(b)(H) and OAR 199-005-0020. Those statutes and rules should be reviewed before offering such gifts.
- Gifts of entertainment for public officials and their relatives, such as sporting events, golf, theatre, etc., are allowed, such expenses become a gift, the aggregate value of gifts from a single source cannot exceed \$50 in a calendar year. [ORS 244.025] if the source of the gift has a legislative or administrative interest in the decision or vote of the public official. [ORS 244.025(4)]

V. LOBBYIST QUARTERLY EXPENDITURE REPORT

Who must file lobbying expenditure reports?

All registered lobbyists must file the Lobbyist Quarterly Expenditure Report with the Commission. [ORS 171.745(1)]

Where can the expenditure report be obtained?

The Commission will automatically mail the Lobbyist Quarterly Expenditure Report form to the address listed on the registration form approximately 30 days prior to its due date. *(Reminder: This is why it is important that a lobbyist notify the Commission within 30 days of any changes to the contact information on the Lobbying Registration Statement [ORS 171.740(4), ORS 171.772(1) and ORS 171.772(4)]*

The lobbying expenditure reports are due on the 15th day of the month following each calendar quarter (January 15, April 15, July 15 and October 15). [ORS 171.752]

If a registration was in effect for only a few days of the reporting period, does a report still need to be filed?

Yes. If a lobbyist registered one day before the end of a calendar quarter or canceled the registration one day into a new calendar quarter, a Lobbyist Quarterly Expenditure Report will be required for any portion of a calendar quarter in which the lobbyist's registration was active.

What if there are no expenses to report?

A lobbyist must complete and return the report even if there were no expenditures for the reporting period. [ORS 171.745]

What lobbying-related activity expenses need to be included in Part A of the lobbyist's quarterly report?

- The total amount of all money spent on food, beverage and entertainment must be listed. [ORS 171.745(1)(a)]

Although the amount spent on entertainment is requested, it is important to remember that ORS 244.025(4) prohibits public officials and candidates from accepting offers of gifts of entertainment and it prohibits sources* from offering gifts of entertainment to public officials and candidates. There are two narrow exceptions. One is if the public official is representing the public official's governmental agency in an official capacity and the entertainment is for a ceremonial purpose [ORS 244.020(5)(b)(N)]. The second exception is if the entertainment provided is incidental to the main purpose of another event [ORS 244.020(5)(b)(M)]. It would be prudent to review the criteria for these exceptions in the statutes and the rules before offering or providing entertainment to a public official. [OAR 199-005-0025(3), (4) and (5)]

- The sums that were reimbursed by the lobbyist's client or employer must be listed along with the identity of the client or employer who made the reimbursement. [OAR 199-010-0075(1)(b)]

The meaning of reimbursed expense is addressed in OAR 199-010-0075. Generally, if a lobbyist initiates or participates in a lobbying activity wherein a reportable expense is paid with the use of a credit card, debit card or other form of payment, it could be the equivalent of a reimbursed expense. Please review OAR 199-010-0075(1)(b)(A) for a definition of a reimbursed lobbying expenditure.

* If the source of entertainment offered or provided to a public official does not have a legislative or administrative interest in the governmental agency represented by the public official, the entertainment may be accepted by the public official [ORS 244.040(2)(f)]. However, it is unlikely that a lobbyist would not have a legislative interest in a legislative or executive official.

- The difference between the total expended and the total reimbursed would represent the net sum of your personal lobbying expenses. These numbers, in conjunction with the expenditures reported in your client's or employer' quarterly report will provide a record that can be reviewed for compliance.

What lobbying-related expenses need to be included in Part B of the lobbyist's quarterly report?

- If a lobbyist spends money on a lobbying-related activity for the benefit of a legislative or executive public official on any single occasion and the cost exceeds \$50, it must be listed in Part B. Expenditures for relatives or members of the household of the official are considered "for the benefit" of the official. [ORS 171.745(1)(b) and OAR 199-010-0075(2)(a)]
- If a relative or member of the household is not accompanied by the legislative or executive public official and the lobbyist spends an amount on a lobbying-related activity for the benefit of the relative on any single occasion that exceeds \$50, the expenditures must be listed in Part B. [OAR 199-010-0075(2)(b)]
- If the client or employer of the lobbyist lists the expenditure in Part B of the Client/Employer Quarterly Expenditure Report, the lobbyist should not list the same event. [ORS 171.750(1)(b) and OAR 199-010-0075(2)(d)]
- If two or more lobbyists contribute to an expenditure on a lobbying activity that exceeds \$50 and is for the benefit of a legislative or executive official, it must be listed in Part B [ORS 171.745(1)(b)]. OAR 199-010-0075(2)(c) requires that one of the contributing lobbyists be designated to list the event in Part B of the lobbyist's quarterly report and identify the others who contributed to the payment of the expense. The other contributing lobbyists would report their share of the expense in Part A of their individual quarterly reports, but would not list the event in Part B.
- If a lobbyist provides a public official with food, lodging or travel expenses under the gift exception in ORS 244.020(6)(b)(F) and the aggregate value exceeds \$50, the lobbyist must give the public official a written notice of the amount of the expense [ORS 244.100(1)]. The notice must be sent to the official within 10 days from the date on which the expense occurred and a copy of the notice must be attached to the quarterly report that lists the event. [OAR 199-010-0075(3)]

Can two or more registered lobbyists from the same public agency, organization or business file one combined Lobbyist Quarterly Expenditure Report or does each have to file individual expenditure reports?

All registered lobbyists will receive a copy of the Lobbyist Quarterly Expenditure Report form. Upon request, the Commission staff will provide a copy of a

“Lobbyist Quarterly Expenditure Report – Combined” form that would allow for reporting the combined expenses of two or more registered lobbyists from the same public agency, organization or business. *[ORS 171.745(4)]*

While the Lobbyist Quarterly Expenditure Report - Combined form will allow aggregate sums to be listed, it will also require the same detailed information as that of the Lobbyist Quarterly Expenditure Report. The following will be requested: *[OAR 199-010-0075(1)(d) and OAR 199-010-0075(2)(e)]*

- List the combined total of expenditures for food, refreshments and entertainment.
- List the names of registered lobbyists whose expenses are included in the combined total of expenditures.
- List the total expenditures of each named lobbyist that are included in the combined total of expenditures.
- List the combined total of reimbursements received for lobbying expenditures.
- List the names of registered lobbyists whose reimbursements are included in the combined total of reimbursements received, who the reimbursement was from and the amount.
- Subtract the combined total of reimbursements from the combined total of expenditures and enter the combined net expenditures.
- List the details for each single occasion when more than \$50 was spent for the benefit of a legislative or executive official. *[ORS 171.745(1)(b) and OAR 199-010-0075(2)(a)]*

What types of expenditures are exempt from reporting requirements for a lobbyist?

- Lobbyists do not report personal living expenses. *[ORS 171.745(2)]*
- Lobbyists do not report personal travel expenses for travel to Salem to engage in lobbying activities. *[ORS 171.745(2)]*
- Lobbyists are not required to report general overhead costs, such as rent for office space, equipment, maintenance and wages paid to support employees. *[ORS 171.745(2)]*
- Lobbyists do not report political contributions or expenditures reported under ORS Chapter 260.

- Lobbyists do not report membership dues paid to organizations such as the Capitol Club.

How is a lobbying expense reported, if the exact amount is not known?

If the amount of the expenditure is not known at the time the quarterly report is prepared, a reasonable estimate of the value of the expenditure should be provided. If an estimate is entered on the report, it should be identified as an estimated sum. When the exact amount of the expense becomes known, the exact amount should be submitted to amend the record. [ORS 171.745(2)]

VI. THE CLIENT OR EMPLOYER OF LOBBYISTS

Who does the Commission define as client or employer of a lobbyist?

Any person, public agency, organization or business that authorizes a person to represent them as a lobbyist, with or without pay or any other consideration. [ORS 171.725(9), ORS 171.735(4) and ORS 171.750]

Do clients or employers of a registered lobbyist also have to register?

No.

When a lobbyist registers to represent a client or employer, the lobbyist must obtain authorization from the client or employer. The signature and contact information of the client or employer is provided on the Lobbying Registration Statement submitted by the lobbyist. [ORS 171.740(1)(b) and ORS 171.740(2)]

VII. CLIENT/EMPLOYER LOBBYING EXPENDITURE REPORT

Do clients or employers of lobbyists have to file lobbying expenditure reports?

Yes. Once a lobbyist has registered to represent a client or employer, the client or employer must file a lobbying expenditure report for each calendar quarter. The lobbying expenditure reports are due on the 15th day of the month following each calendar quarter (January 15, April 15, July 15 and October 15). [ORS 171.750(1) and ORS 171.752]

How can a Client/Employer Quarterly Expenditure Report be obtained?

The Commission will automatically mail the Client/Employer Quarterly Expenditure Report form to the address listed on the lobbyist's registration form approximately 30 days prior to its due date. *(Reminder: This is why it is important that a lobbyist, client or employer notify the Commission within 30 days, of any changes to the contact information that was provided on the Lobbying Registration Statement) [ORS 171.740(4), ORS 171.772(1) and ORS 171.772(4)]*

Does a client or employer have to file a lobbying expenditure report if the lobbyist's registration was in effect for only a few days of the reporting period?

Yes. If the lobbyist representing the client or employer was registered one day before the end of a calendar quarter or terminated the registration one day into a new calendar quarter, a Client/Employer Quarterly Expenditure Report will be required for any portion of a calendar quarter in which the lobbyist's registration was active.

What if there are no expenses to report?

The client or employer of a lobbyist must complete and return a report even if there were no lobbying expenditures made during the reporting period. [ORS 171.750]

What types of expenditures are not required in the Client/Employer Quarterly Expenditure Report?

- Do not report the lobbyist's personal living expenses. [ORS 171.750(1)(a)]
- Do not report the lobbyist's personal travel expenses for travel to Salem to engage in lobbying activities. [ORS 171.750(1)(a)]
- Do not report political contributions or expenditures reported under ORS Chapter 260.
- Do not report any expenditure for membership dues paid to organizations such as the Capitol Club.

What lobbying-related expenses need to be included in Part A of the Client/Employer Quarterly Expenditure Report?

- The total amount of all money spent on lobbying activities must be listed [ORS 171.750(1)(a)]. Lobbying activity expenses may include compensation, reimbursements, overhead costs, office space, equipment, and

telecommunication costs. Also included are a lobbyist's travel expenses related to lobbying, except for travel expenses incurred when visiting Salem to engage in lobbying activities. [ORS 171.750(1)(c) and OAR 199-010-0095(1)(a)]

- List each individually registered lobbyist, each organization or business that employs multiple lobbyists to represent the client or employer, and the amounts paid to each as compensation for the lobbying services. Also list additional sums that were reimbursed to each lobbyist, organization or business for lobbying activity expenses. [ORS 171.750(1)(c) and OAR 199-010-0095(1)(b)]

What constitutes a reimbursed expense is addressed in OAR 199-010-0095. Generally, if a lobbyist representing the client or employer initiates or participates in a lobbying activity wherein a reportable expense is paid with the use of the client's or employer's credit card, debit card or other form of payment, the client or employer will report the expense as a reimbursed expense to the lobbyist. Please review OAR 199-010-0095(1)(c)(A) for a definition of a reimbursed lobbying expenditure.

Some of these expenditures are difficult to estimate because employee costs and other overhead are also used in other business matters. How should such expenses be valued?

It is understood that clients and employers of lobbyists may engage in activities and enterprises in addition to lobbying. In assigning value to a lobbying expense, such as overhead or an employee's salary, pro rate or make an estimate of that portion of an expense attributable to lobbying and indicate on the expenditure report if the amount shown is an estimate.

What lobbying-related expenses need to be included in Part B of the Client/Employer Quarterly Expenditure Report?

- If an amount is expended on a lobbying-related activity for the benefit of a legislative or executive public official on any single occasion and the cost exceeds \$50, it must be listed along with the name of the official and other details in Part B. Expenditures for relatives or members of the household of the official are considered as "for the benefit" of the official. [ORS 171.750(1)(b) and OAR 199-010-0095(2)(a)]
- If a relative or member of the household are not accompanied by the legislative or executive public official and there is an amount expended on a lobbying-related activity for the benefit of the relative on any single occasion that exceeds \$50, the expenditure must be listed with the name of the relative and other details in Part B. [OAR 199-010-0095(2)(b)]
- If the client or employer's lobbyist has been reimbursed for the expense detailed in Part B, the lobbyist also must be identified. [OAR 199-010-0095(e)]

- If the lobbyist for the client or employer is listing this benefit in Part B of the Lobbyist Quarterly Expenditure Report, the client or employer should not list the same event. *[OAR 199-010-0095(2)(d)]*
- If two or more clients or employers of lobbyists contribute to an expenditure on a lobbying activity that exceeds \$50 and is for the benefit of a legislative or executive official, it must be listed in Part B *[ORS 171.750(2)(b)]*. OAR 199-010-0095(c) requires that one of the contributing clients or employers of lobbyists be designated to list the event in Part B of the client's or employer's quarterly report and also identify the others who contributed to payment of the expense. The other contributing clients or employers would report their share of the expense in Part A of their quarterly reports, but would not list it in Part B.
- If a client or employer of a lobbyist provides a public official with food, lodging or travel expenses under the gift exception in ORS 244.020(5)(b)(F) and the aggregate value exceeds \$50, the public official must be given a written notice of the amount of the expense. *[ORS 244.100(2)(a)]* The notice must be sent to the official within 10 days from the date on which the expense occurred and a copy of the notice must be attached to the quarterly report that lists the event. *[ORS 171.750(2) and OAR 199-010-0095(3)]*

VIII. PENALTIES

Any person who violates any provision of lobbying regulation shall be subject to a civil penalty of not more than \$5,000 for each violation.

Failure to complete and file the required expenditure reports by the final date for filing may result in an automatic civil penalty of \$10 for each of the first 14 days after the date due and \$50 for each day thereafter, until the penalty accrues to a maximum of \$5,000. *[ORS 171.992]*

IX. APPENDIX

Selected Oregon Revised Statutes:

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 executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill 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.

Oregon Administrative Rules

Definitions:

199-010-0005(3) "Good Will" means a supportive and friendly attitude; kindly feeling; well wishing; benevolence."

OAR 199-010-0075

Content of Quarterly Report of Lobbying Expenditures by Lobbyists [ORS 171.745(1)]

(1) Part A: A lobbyist must list the total amount of money spent during the reporting period for all lobbying activity expenditures that were made for food, refreshment and entertainment during the reporting period as required by ORS 171.745(1)(a).

(a) The only entertainment that may be offered to and accepted by a public official or a relative of the public official or a member of the household of the public official, is entertainment accepted under conditions described in ORS 244.020(5)(a)(M) or ORS 244.020(5)(a)(N).

(b) The lobbyist must list the sums reimbursed for food, refreshment and entertainment and must include the amount and identify each client or employer that provided the reimbursement.

(A) If a lobbyist initiates and participates in the lobbying activity and uses or arranges for payment with a credit card, debit card or any other form of payment, it is the lobbyist's responsibility to report the expense. In the following examples, the methods of payment are the equivalent of a reimbursed expense that must be reported by the lobbyist:

(i) A lobbyist arranges a lobbying activity and those arrangements include placing the charges on a credit or debit card account belonging to the lobbyist's client or employer.

(ii) A lobbyist registered to represent a client or employer is also an employee or executive official of that same client or employer. The client or employer is the holder of a credit or debit card and authorizes the lobbyist to use the credit or debit card.

(iii) A lobbyist places a lobbying activity expense on a personal or business account. When the billing statement is received, it is submitted to and paid by the represented client or employer.

(c) The lobbyist must list the net expenditures made for food, refreshment and entertainment, which is the result of subtracting the total of expenditures reimbursed by the client or employer from the total of all expenditures reported.

(d) If lobbying services are provided by two or more registered lobbyists from the same business, public agency or other organization, a Quarterly Lobbying Expenditure Report may be filed that consolidates the lobbying activity expenditures of the lobbyists of the business, public agency or organization. The lobbying activity expenses reimbursed to each individual lobbyist must be detailed as required in (1)(b) and (1)(c) of this rule. To use this method of reporting lobbying expenditures contact the Oregon Government Ethics Commission for additional information [ORS 171.745(4)].

(2) Part B: A lobbyist must list each occasion when an amount exceeding \$50 was spent for a lobbying purpose that was for the benefit of a legislative or executive official. The information listed must include the date, name of the official, payee and purpose [ORS 171.745(1)(b)].

(a) If a legislative or executive official was accompanied by a relative or a member of the official's household on the itemized occasion, the expenditure made for the benefit of the relative or a member of the official's household is part of the aggregate value of the lobbying expenditure that was for the benefit of the legislative or executive official. The relative or member of the household that accompanied the official must be identified.

(b) If a relative or a member of the household of a legislative or executive official is not accompanied by the legislative or executive official on the itemized occasion, the expenditure made for the benefit of the relative or a member of the official's household is the value of the lobbying expenditure that was for the benefit of the legislative or executive official. The relative or member of the household that participated must be identified.

(c) When a legislative or executive official receives a benefit exceeding \$50 and the expense is shared by two or more lobbyists, one lobbyist must be designated to itemize the occasion in the designated lobbyist's Quarterly Lobbying Expenditure Report. The lobbyist designated to itemize the occasion must also identify the other lobbyists and amount paid by each [ORS 171.745(1)(b) and ORS 244.025(1)]

(d) If a client or employer of the lobbyist has itemized the expenditure as required by ORS 171.750(1)(b) and OAR 199-010-0095, in Part B of the client's or employer's Quarterly Lobbying Expenditure Report, the expenditure does not have to be itemized by the lobbyist.

(e) If a business, public agency or other organization, with two or more lobbyists, chooses to file a Quarterly Lobbying Expenditure Report that consolidates the lobbying activity expenditures of the lobbyists, the itemization of the occasion must include the identity of the individual lobbyists responsible for the itemized lobbying activity expense [ORS 171.745(4)].

(3) The lobbyist must attach to the Quarterly Lobbying Expenditure Report, copies of any written notices that were provided to legislative or executive officials as required by ORS 244.100(2)(a) and ORS 244.100(2)(b).

OAR 199-010-0095

Content of Quarterly Report of Lobbying Expenditures by the Client or Employer of a Lobbyist [ORS 171.750(1)]

(1) Part A: An employer or client of a lobbyist must list the total of all money spent during the reporting period on lobbying related activities [ORS 171.750(1)(a)].

(a) Include expenses for travel related to lobbying activity, except for a lobbyist's food, lodging, travel and other personal expenses incurred while providing lobbying services in Salem [ORS 171.750(1)(c)].

(b) List each registered lobbyist who is compensated to provide lobbying services and include the amount paid in compensation and the amount paid in reimbursement to the lobbyist for food, refreshment and entertainment [ORS 171.750(1)(c)].

(c) If the lobbyist representing the client or employer has initiated and participated in a lobbying activity and has used or arranged for payment with the client's or employer's credit card, debit card or any other form of payment, it is the lobbyist's responsibility to report the expense as a reimbursement from the client or employer and the client or employer must list the expense as a reimbursement to the lobbyist. In the following examples, the methods of payment are the equivalent of a reimbursed expense to the lobbyist and must be reported as such by the client or employer:

(A) A lobbyist arranges a lobbying activity and those arrangements include placing the charges on a credit or debit card account belonging to the lobbyist's client or employer.

(B) A lobbyist registered to represent a client or employer is also an employee or executive official of that same client or employer. The client or employer is the holder of a credit or debit card and authorizes the lobbyist to use the credit or debit card.

(C) A lobbyist places a lobbying activity expense on a personal or business account. When the billing statement is received, it is submitted to and paid by the represented client or employer.

(d) If lobbying services are provided to a client or employer by two or more registered lobbyists from the same business, public agency or other organization, list the amounts paid for compensation and for reimbursed expenses to the business, public agency or organization [ORS 171.750(1)(c)]. In listing reimbursed expenses use the same criteria to identify a reimbursed expense as described in (1)(b) and (1)(c) of this rule.

(2) Part B: An employer or client must list each occasion when an amount exceeding \$50 was spent for a lobbying purpose that was for the benefit of a legislative or executive official. The information listed must include the date, name of the official, payee and purpose [ORS 171.750(1)(b)].

(a) If a legislative or executive official was accompanied by a relative or a member of the official's household on the itemized occasion, the expenditure made for the benefit of the relative or a member of the official's household is part of the aggregate value of the lobbying expenditure that was for the benefit of the legislative or executive official. The relative or member of the household that accompanied the official must be identified.

(b) If a relative or a member of the household of a legislative or executive official is not accompanied by the legislative or executive official on the itemized occasion, the expenditure made for the benefit of the relative or a member of the official's household is the value of the lobbying expenditure that was for the benefit of the legislative or executive official. The relative or member of the household that participated must be identified.

(c) When a legislative or executive official receives a benefit exceeding \$50 and the expense is shared by two or more clients or employers, one client or employer must be designated to itemize the occasion in the designated client's or employer's Quarterly Lobbying Expenditure Report. The client or employer designated to itemize the occasion must also identify the other clients or employers and amount paid by each [ORS 171.750(1)(b) and ORS 244.025(1)]

(d) If the lobbyist representing the client or employer has itemized the expenditure as required by ORS 171.745(1)(b) and OAR 199-010-0075, Part B of the lobbyist's Quarterly Lobbying Expenditure Report, it does not have to be itemized by the client or employer of the lobbyist.

(e) If the client or employer of a lobbyist has reimbursed the lobbyist for an occasion that is itemized in Part B of the client's or employer's Quarterly Lobbying Expenditure Report, the lobbyist who received the reimbursement must be identified.

(3) The client or employer of a lobbyist must attach to the Quarterly Lobbying Expenditure Report, copies of any written notices that were provided to legislative or executive officials as required by ORS 244.100(2)(a) and ORS 244.100(2)(b).