

3116 Subcommittee



# MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

1120 S.W. Fifth Avenue  
Suite 1500  
Portland, Oregon 97204  
(503) 248-3525

## MEMBERS

Ann Porter, *Chair*  
Mark Johnson, *Vice-Chair*  
Florence Bancroft  
Lana Butterfield  
David J. Chambers  
Liberty Lane  
Monica Little  
Bruce McCain  
Paul Norr  
Marcia Pry  
Casey Short  
Nicholas Teeny  
LaVelle VandenBerg

## STAFF

William C. Rapp  
*Administrator*  
Shirley Winter  
*Secretary*

## PUBLIC MEETING NOTICE

Meeting of the Legislative Advocacy Subcommittee

Friday, March 16, 1990  
12 noon (brown bag lunch)  
808 S.W. Alder, Suite 200  
Portland, Oregon 97205

## AGENDA

1. Review state lobbying laws
2. Review wording of 1984 ballot measure
3. Discuss ideas for implementing change
4. Assignment of Responsibilities

This meeting is a work session. The public is welcome to attend but no public testimony will be allowed.



# MULTNOMAH COUNTY OREGON

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MINUTES  
MARCH 16, 1990

**MEMBERS**

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**STAFF**

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Pursuant to notice by press release to newspapers of local circulation throughout Multnomah County and mailed to persons on the mailing list of the committee, a public meeting of the Multnomah County Charter Review Legislative Advocacy Subcommittee was held at 808 S.W. Alder, Suite 200, Portland, Oregon 97205. The meeting convened at 12:00 noon.

Members Present

Lana Butterfield, Subcommittee Chair  
David Chambers  
Paul Norr  
Casey Short

Staff Present

Bill Rapp, Administrator

SUBCOMMITTEE WORK SESSION:

Work Session on Legislative Advocacy

Lana Butterfield began the discussion by reviewing state lobbying laws.

David Chambers stated that the prohibition against the lobbyist was not meant to preclude any lobbying on the part of county officials.

Butterfield asked Chambers if county officials must register as lobbyists. Chambers responded that the county officials can lobby, however he was uncertain as to the need for them to file as lobbyists.

Butterfield stated that if a county official spends more than the allotted time (16 hours) or more than \$50.00 in lobbying then that official must register as a lobbyist.

Chambers stated that it is his understanding that county officials are allowed to lobby.

Bill Rapp stated that there is no legislative intent in the charter regarding the lobbyist.

Butterfield stated that Rapp provided a copy of the 1984 ballot measure for the lobbyist. The subcommittee reviewed that wording.

Rapp stated that the question on the ballot refers to an "inter-governmental coordinator."

Butterfield stated that the word "protect" was used in the question regarding the lobbyist for the salary commission poll.

Rapp went on to explain that the question which passed 52%-48% read "Should the county be permitted to hire a representative to protect the county's interests in the state legislature."

Rapp stated that the key words used in the sample question were "protect" rather than "represent" and "representative" rather than "inter-governmental coordinator." Rapp went on to say that the language could read to "protect Multnomah County's citizen's interests."

Butterfield stated that the subcommittee would work on language for a recommended ballot measure for the lobbyist.

Butterfield interjected the possibility of using the word "advocate" rather than "inter-governmental coordinator" or "representative."

Paul Norr stated that he supports the use of the word "advocate."

Chambers stated that the language should be kept simple and direct.

Rapp recommended that he and legal counsel draft several options which would be submitted to the committee.

Butterfield suggested that the subcommittee meet again after allowing time to conduct research on the proposed lobbyist and then form a preliminary report to present to the committee. Butterfield also stated that Rapp would meet with legal counsel and present the proposed language for the ballot measure.

Chambers interjected that the point of an item on the ballot would be to amend the existing language rather than just deleting the current language. Chambers went on to state that the county might need, in future years, to hire more than one lobbyist.

Norr stated that his preference would be to simply repeal Section 6.50(3) of the charter and not replace it with affirmative language.

Norr stated that affirmative language is not needed in the charter and that an explanation could be made in reference to the ability to hire an advocate.

Rapp stated that the language from the ballot measure in 1983 both repealed the current prohibition and allowed the county to hire an inter-governmental coordinator. Rapp continued that the idea was to give the voters something else to focus on in the voters pamphlet. Rapp added that the county can currently hire an advocate, they cannot however hire a lobbyist.

Rapp asked Norr if he wanted any new language in the charter referring to the lobbyist. Norr responded in the negative; he simply wants to see the prohibition against the lobbyist removed.

Butterfield stated that Rapp should draft ballot measures with both language options.

Butterfield reiterated that Rapp should have legal counsel draft proposed ballot measures both with permissive language and repeal only language. Butterfield stated that the committee should be allowed to make a decision on how the ballot should be drafted.

Norr stated that the word "lobbyist" should be used.

Chambers stated that the voters will recognize that the measure allows a lobbyist no matter what word is used to refer to the lobbyist. Chambers went on to ask for the results of the measure voted on in 1984. Rapp responded that 100,000 voters voted to repeal the prohibition and 109,000 voted not to repeal. Rapp continued to state that over 60,000 voters did not vote on the issue due to lack of education on the issue.

Butterfield stated that the language in the voters' pamphlet needs to be written carefully. Butterfield went on to state that the subcommittee should research the need for a lobbyist and that the committee needs concrete examples of how the county could benefit by having a lobbyist.

Discussion ensued regarding the voters' pamphlet statements: how long they can be, their content and deadlines involved.

Butterfield suggested meeting with Fred Neal regarding examples of how the county can benefit by having a lobbyist. Rapp agreed.

The subcommittee then discussed ideas for passing these measures.

Paul Norr suggested asking elected officials of cities in the county and state elected officials in the county whether they feel the county should have a lobbyist. He then distributed a letter for the subcommittee to review.

Rapp suggested that a campaign committee be formed to support the charter review committee's recommendations. Butterfield agreed.

Butterfield also suggested that civic groups be contacted to be spoken to by the campaign committee.

Chambers suggested speaking to neighborhood associations.

Butterfield suggested talking to political strategists for help in passing these ballot measures. The subcommittee agreed.

Norr and Chambers suggested talking with the press about the committee's ballot measures. The subcommittee discussed the cable access process.

Butterfield then reviewed assignments for subcommittee members: Rapp will confer with legal counsel regarding restrictions on voters' pamphlet statements; Butterfield and Rapp will talk with Fred Neal regarding the benefits of a county lobbyist; Butterfield will research how the county legislative delegation might be able to help pass the measures; Norr will redraft his letter; Short will research how a campaign committee is put together; Butterfield will investigate groups to speak before and she will talk to some political strategists for their insights; and Chambers will give the subcommittee an overview as to how to deal with the media.

The subcommittee decided to meet again at noon on March 23, 1990 at 808 S.W. Alder, Suite 200, Portland, Oregon 97205.

The subcommittee adjourned at 1 p.m.

### INTERIM AUTHORITY FOR STAFF AND DISBURSEMENTS

**171.650 Interim staff for presiding officers.** The President of the Senate and the Speaker of the House of Representatives each may appoint an interim staff to assist the President or Speaker during the period between sessions of the Legislative Assembly. Each presiding officer shall fix the compensation and prescribe the duties of the interim staff of the presiding officer. Expenses incurred for each interim staff appointed under this section shall be paid from amounts appropriated by law out of the General Fund for payment of the expenses of the Legislative Assembly. [1969 c.236 §2]

171.660 [1969 c.236 §3; repealed by 1975 c.530 §9]

**171.670 Authority for approval of disbursements during interim.** Subject to any other grant of or limitation on authority to authorize the incurring of and approve disbursements for indebtedness or expenses of the Legislative Assembly to be paid from amounts appropriated by law out of the General Fund for that purpose, which may be adopted by joint resolution of both houses, such authority is vested as follows:

(1) For general expenses of the Legislative Assembly not specifically attributable to either house, in the Legislative Administration Committee.

(2) For expenses specifically attributable to either house, in the President of the Senate or the Speaker of the House of Representatives, as the case may be. [1975 c.530 §8]

171.705 [1963 s.s. c.1 §1; 1975 c.136 §1; 1979 c.593 §1; renumbered 183.710]

171.707 [1975 c.136 §3 (enacted in lieu of 171.710); 1977 c.344 §1; 1979 c.593 §2; renumbered 183.715]

171.709 [1975 c.136 §4 (enacted in lieu of 171.710); 1977 c.344 §3; 1979 c.593 §3; renumbered 183.720]

171.710 [1963 s.s. c.1 §2; repealed by 1975 c.136 §2 (171.707, 171.709, 171.713 enacted in lieu of 171.710)]

171.713 [1975 c.136 §5 (enacted in lieu of 171.710); 1977 c.344 §4; renumbered 183.725]

171.715 [1977 c.161 §3; repealed by 1979 c.593 §34]

### LOBBYING REGULATION

**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) "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.

(2) "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.

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

(4) "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 which may be the subject of action by either house of the Legislative Assembly, or any committee thereof or the approval or veto thereof by the Governor.

(5) "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.

(6) "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.

(7) "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.

(8) "Public agency" means a commission, board, agency or other governmental body.

(9) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof. [1973 c.802 §2; 1975 c.747 §1; 1977 c.588 §1; 1987 c.566 §1]

**171.730 Lobbying regulation purpose.** The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the Legislative Assembly or the executive branch to take specific actions, either by direct communication to such officials or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. [1973 c.802 §1]

**171.735 Application of ORS 171.740 and 171.745 to certain persons.** Provided such

persons are not registered with the Oregon Government Ethics Commission, ORS 171.740 and 171.745 do not apply to the following persons:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

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

(3) Any individual who receives no additional consideration for lobbying and 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, if the individual testifies, registers an appearance in the records of such committees or agencies.

(4) A person who spends not more than 16 hours during any calendar quarter lobbying, excluding travel time, and who does not spend an amount in excess of \$50 lobbying during any calendar quarter excluding the cost of personal travel, meals and lodging. Once either the \$50 or 16-hour amount is exceeded by an individual or by a corporation, association, organization or other group, the individual, corporation, association, organization or other group must comply with the requirements of ORS 171.740 to 171.756.

(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 and Commissioner of the Bureau of Labor and Industries. [1973 c.802 §3; 1974 s.s. c.72 §27; 1975 c.747 §2; 1977 c.588 §1a; 1979 c.666 §1; 1981 c.528 §1; 1987 c.566 §2]

**171.740 Lobbyists required to register; contents of statement.** (1) Within three working days after engaging in lobbying, each lobbyist or public agency shall register with the Oregon Government Ethics Commission by filing with the commission a statement containing the following information:

(a) The name and address of the lobbyist.

(b) The name and address of each person or agency by whom the lobbyist is employed or in whose interest the lobbyist appears or works, a description of the trade, business, profession or area of endeavor of that person

or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.

(c) The name of any member of the Legislative Assembly who is in any way employed by the lobbyist employer designated in paragraph (b) of this subsection or who is employed by the lobbyist or whether the lobbyist and member are associated with the same business, as defined in ORS 244.020. However, ownership of stock in a publicly traded corporation in which a member of the Legislative Assembly also owns stock is not a relationship which need be stated.

(d) The general subject or subjects of the legislative interest of the lobbyist.

(2) The designation of official authorization to lobby shall be signed by an officer of each such public agency, corporation, association, organization or other group or by each individual by whom the lobbyist is employed or in whose interest the lobbyist appears or works.

(3) A lobbyist shall notify the Oregon Government Ethics Commission of a change of address of the lobbyist or the person or agency by whom the lobbyist is employed within 30 days of the change.

(4) A lobbyist must revise the statements required by subsection (1) of this section, if any of the information contained therein changes. Revised statements shall be filed within 30 days of the change. [1973 c.802 §4; 1974 s.s. c.72 §28; 1975 c.747 §3; 1987 c.566 §3]

**171.745 Statements of lobbying expenses required; contents; time of filing.**

(1) Any lobbyist who engages in any lobbying activities shall file with the Oregon Government Ethics Commission, 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, a statement showing:

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

(A) Food, refreshments and entertainment;

(B) Printing, postage and telephone;

(C) Advertising and 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.

*Perhaps not accurate*

(2) Beginning on July 1, 1979, the dollar amount specified in paragraph (b) of subsection (1) 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 thereof shall be submitted in the statement and designated as such. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available. [1973 c.802 §5; 1974 s.s. c.72 §29; 1975 c.747 §4; 1979 c.666 §2; 1987 c.158 §32; 1987 c.566 §4]

**171.750 Employers of lobbyists required to file expense statements; annual revision of base amount.** (1) Any person or public agency which employs a lobbyist who was registered, or who was required to register with the Oregon Government Ethics Commission at any time during the preceding calendar year, shall file with the Oregon Government Ethics 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 in the employer's behalf, excluding living and travel expenses incurred during a session of the Legislative Assembly.

(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 employer, 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 paragraph (b) of subsection (1) 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. [1973 c.802 §6; 1975 c.747 §5; 1979 c.666 §3; 1987 c.566 §5]

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

**171.756 Prohibited conduct.** (1) No lobbyist shall instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition thereto.

(2) No lobbyist shall 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) No person shall lobby or offer to lobby for consideration any part of which is contingent upon the success of any lobbying activity.

(4) No lobbyist shall knowingly or wilfully 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.

(5) No legislative or executive official shall receive consideration other than from the State of Oregon for acting as a lobbyist. [1973 c.802 §7; 1974 s.s. c.72 §30; 1975 c.747 §6; 1987 c.566 §6; 1989 c.340 §1]

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 wilfully 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]

171.765 [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 Ethics 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 Ethics 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 to make investigations, issue advisory opinions; rules.** In addition to the duties prescribed in ORS 171.772, the Oregon Government Ethics Commission may:

(1) Make investigations 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, with respect to apparent violation of any part of ORS 171.725 to 171.785. In making any such investigation, the investigating authority has the power to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers and documents;

(2) Issue, upon request, and publish advisory opinions on the requirements of ORS 171.725 to 171.785, based on a real or hypothetical set of circumstances; and

(3) Adopt rules to carry out ORS 171.725 to 171.785 pursuant to the provisions of ORS 183.310 to 183.550. [1973 c.802 §11; 1983 c.740 §40]

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]

**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 Ethics 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]

#### TRADE AND ECONOMIC DEVELOPMENT COMMITTEE

**171.800 Definitions for ORS 171.800 to 171.840.** As used in ORS 171.800 to 171.840, unless the context requires otherwise, "committee" means the Legislative Committee on Trade and Economic Development. [1973 c.700 §1; 1975 c.225 §7]



GUIDE TO LOBBYING IN OREGON

Oregon Government Ethics Commission  
700 Pringle Parkway SE, 1st Floor  
Salem, OR 97310-1360

January 1989

ORS 171.730 Lobbying Regulation Purpose

The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade ... be publicly and regularly disclosed."



## SUMMARY

Persons who exceed 16 hours or \$50 a quarter lobbying must register with the Oregon Government Ethics Commission (OGE). Once registered, expenditures must be reported quarterly or semi-annually by lobbyists and annually by lobbyist employers.<sup>1</sup> Finally, certain conduct is prohibited.

## LOBBYING, LOBBYISTS DEFINED

**Lobbying** is defined as "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."

**Legislative action** means introduction, sponsorship, testimony, debate, voting or any other official action on any bill, measure, resolution, amendment, nomination, appointment, report or any matter which may be the subject of action by either house or any legislative committee, or may be subject to the approval or veto of the Governor.

**Lobbyists** include:

- individuals who agree to provide their personal services for money (or anything else of value) to lobby
- unpaid representatives of corporations, associations, organizations, or groups
- public officials who lobby.<sup>2</sup>

## NOTES

*1 The term "employer" is used throughout to mean the entity represented by the lobbyist, whether or not the lobbyist is compensated.*

*2 Public official includes any member or member elect of any public agency and any member of the staff or employe. Public agency includes a commission, board, agency or other governmental body. Providing information by public officials, pursuant to their statutory responsibilities, and which the public official neither promotes nor opposes, does not constitute lobbying.*

## REGISTRATION

Each lobbyist is required to register with the OGEC within **three days** of engaging in lobbying (**see exemptions, p. 5**). Lobbyist Registration Statements are available from the OGEC and must contain the following:

- name and address of the lobbyist<sup>3</sup>, and the lobbyist employer, agency, or entity in whose behalf the lobbyist appears
- a description of the legislative interests of the lobbyist<sup>3</sup>
- name of any legislator who is employed by the lobbyist's employer by the lobbyist, or is otherwise associated with a business of the lobbyist<sup>4</sup>
- signature by the employer, agency, or represented entity authorizing the lobbyist to lobby on their behalf.<sup>5</sup>

Lobby registration is continuous. Registration is terminated by submitting a Lobbyist Termination Form, available from the OGEC.

Firms, organizations, etc. with multiple clients must file a single registration statement for each client, as well as a registration statement for individual lobbyists. The firm may be identified as "employer" (unless a specific client is identifiable).

Public agencies are required to register on behalf of officials or employees who lobby. Agencies **may** file a single registration form, and attach a list of individuals who lobby on behalf of the agency. (However, it is preferable for each public official to file individual registration statements so that records can be kept current and expenditure reports accurately distributed.)

There is no fee to register as a lobbyist.

## NOTES

*3 The address must be an address where the lobbyist can be located. Changes in address for lobbyists or their employers shall be reported to the OGEC within 30 days. Revised registration statements must be submitted to the OGEC within 30 days of any change in the required information, and a registration statement must be filed for each new employer.*

*4 The definition for "business with which ... associated" is found in ORS 244.020(2). However, holding stock in a major corporation or membership on a corporate board of directors is not a lobbyist/legislator relationship requiring disclosure.*

*5 The signature must be of a person with the authority to certify the lobbying activities of the lobbyist, such as an employer, an officer of an organization, or agency official.*

## EXPENDITURE REPORTING

Once registered, all private and public official lobbyists submit quarterly or semi-annual expenditure reports. Employers submit annual expenditure reports.

- Forms are sent by the OGEC to lobbyists and employers at the addresses indicated by the lobbyist on Registration Statements.
- Lobbyist reports are due 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.
- Employer reports are due by January 31 of each year.
- Forms bearing the postmark of the due date are accepted as timely filed.

### Lobbyist's Expenditure Reports

Expenditures are reported by category:

- food, refreshment, and entertainment
- printing, postage, and telephone
- advertising and public relations, education and research
- miscellaneous.

The name of any legislative or executive official in whose behalf an amount exceeding \$43 is spent for the purposes of lobbying on any one occasion; and the date, payee, purpose and amount of the expenditure must be listed.<sup>6</sup>

Other expenditures which must be reported include:

- expenses incurred in order to get acquainted or promote goodwill
- expenditures incurred by or at the direction of the lobbyist (even if paid by the employer)
- payments made by a lobbyist for the direct benefit of a legislator (including a legislator's spouse or children), legislative staff member, or state public official, which are related to influencing legislative action.

### NOTES

<sup>6</sup> The \$43 itemized reporting threshold (originally \$25) is adjusted annually by the OGEC, based upon the Portland Consumer Price Index.

Expenditures which are not required to be reported by the lobbyist, include:<sup>7</sup>

- general overhead expenses (but they must be included in the annual employer report)
- political contributions or expenditures reported under ORS Ch. 260
- **personal** travel, meals and lodging of the lobbyist.

#### Annual Employer Expenditure Reports

The annual employer expenditure reports must list:

- the total amount expended for lobbying, including payments for compensation,<sup>8</sup> overhead, support personnel, and other expenses if they relate to lobbying. At the least, the reports should include the accumulated total of the lobbyists' expenditures
- the name of any legislative or executive official an expenditure in excess of \$43 is made on a single occasion (unless previously reported on a lobbyist's report) and the date, payee, purpose, and amount of the expenditure.

The reports need not include:

- lobbyists' living and travel expenses incurred during a session of the Legislative Assembly
- political contributions reported under ORS Ch. 260
- itemized expenditures are not required but may be attached.

If employers engage in other activities besides lobbying and it isn't possible to precisely determine lobbying expenditures, employers may indicate the amount shown is a "good faith apportionment."

#### NOTES

*7 To avoid delinquency proceedings, lobbyists are requested to return expenditure reports indicating "\$0" expenditures even if no expenditures were made during the reporting period (or to submit a lobbying termination form, if appropriate).*

*8 Public agencies are not required to report compensation.*

## Exemptions from registration and expenditure reporting

Provided they are not otherwise registered, the following are exempt from registration and expenditure reporting requirements:

- news media and their employees who limit their lobbying solely to broadcasting news, editorials or paid advertisements urging legislative action
- legislative officials acting in their official capacity
- individuals who do not receive additional money or other thing of value for lobbying, who limit their lobbying solely to formal, registered public testimony before the Legislative Assembly (or state agencies on matters involving legislative action)
- persons who do not spend more than either 16 hours (excluding travel time) or \$50 (excluding personal travel, meals and lodging) in a calendar quarter lobbying<sup>9</sup>
- certain statewide elected officials and certain members of their staffs.

## PROHIBITED CONDUCT

Lobbyists are prohibited from:

- instigating legislative action in order to obtain employment lobbying against the action
- attempting to influence the vote of a legislator by a promise of financial support or a threat of financial opposition to the legislator's candidacy
- lobbying or offering to lobby for consideration, any part of which is contingent upon the success of the lobbying activity
- knowingly or wilfully making a false statement or misrepresentation to a legislative or executive official or knowingly causing a document containing a false statement to be received by a legislative or executive official without notifying the official in writing of the truth<sup>10</sup>
- making or promising to make any campaign contribution to a legislative official, candidate, or the official's or candidate's campaign committee during a legislative session.<sup>11</sup>

## NOTES

<sup>9</sup> The 16-hour or \$50 threshold is cumulative. Once either is exceeded, an individual, corporation, association, organization or other group must register for each employer and comply with the other requirements and prohibitions in the statute.

<sup>10</sup> Written notification of correction refers only to the prohibition regarding documents containing false statements. That is, the prohibition against making false oral statements is not mitigated through subsequent correspondence correcting the statement.

<sup>11</sup> Lobbyists may not use a Political Action Committee (PAC) of which they are an officer or member as a conduit, extension, shield, or agent of the lobbyist through which to make a prohibited contribution.

Legislative officials and candidates are prohibited from soliciting or receiving any campaign contribution for themselves or their campaign committees from a lobbyist (political committee of which the lobbyist is an officer or member during a legislative session).<sup>12</sup>

Legislative and executive officials are prohibited from receiving consideration (other than from the State) for lobbying.

OREGON GOVERNMENT ETHICS COMMISSION: Advisory opinions, enforcement, records

Oregon's lobby laws (ORS 171.725 - .790, 171.992) are administered by the OGEC. In carrying out its duties, the OGEC may:

- issue advisory opinions. If you want a written opinion about any provision of the laws, submit your question in writing to the address below.
- conduct investigations and levy civil penalties of up to \$1,000 for each violation of lobby laws.

Records of the OGEC are public. Copies of the records can be obtained including:

- lobby registration lists (includes name, address and telephone numbers of all registered lobbyists and their employers' names and addresses)
- lobbyist registration statements
- lobbyist expenditure reports
- annual employer expenditure reports
- advisory opinions
- complaints.

Records, forms, or any other information may be obtained from:

Oregon Government Ethics Commission  
Oregon Tower  
700 Pringle Parkway SE, 1st Floor  
Salem, OR 97310

(503)378-5105

NOTES

*12 A legislator may not solicit or receive campaign contributions from a lobbyist during a Session on behalf of another candidate or for his/her candidacy for another state or local election.*

DRAFT PROPOSAL FOR DISCUSSION - March 16, 1990

March 16, 1990

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Dear ,

We are writing to you because you are an elected official with constituents who live in Multnomah County.

After reviewing county government and the County charter over the past 9 months, the Multnomah County Charter Review Committee is beginning to solidify recommendations for ballot measure Charter amendments which will be presented to all Multnomah County voters in the November, 1990, general election.

One of the issues on which we have received near unanimous testimony thus far is the current Charter's prohibition against the County hiring a lobbyist. The testimony we have received thus far, mostly from former and current County employees and elected officials, indicates that the County is at a substantial disadvantage before the Oregon legislature and other state agencies at times when the County should be more active in competing with other Counties for state funds.

Further, Multnomah County appears to be at a disadvantage before the legislature whenever that body is deciding issues relating to the functions, responsibilities and finances of Counties generally. Multnomah County is the only county in the state which prohibits itself from advocating its citizens' interests before the legislature.

Based on the information presented at our hearings thus far, the Charter Review Committee has taken a position in favor of repealing the Charter's prohibition of hiring a lobbyist.

The primary comment we have heard from opponents of allowing the Board to hire a lobbyist is that Multnomah County doesn't need a lobbyist since the residents of the County are already represented in Salem by our state senators and representatives, who should be our "lobbyists".

The elected officials we have heard from thus far tell us it is unrealistic to look to the state senators and representatives to perform the function of Multnomah County's lobbyist - that is, having a detailed working knowledge of the daily operations of our County government, preparing information and providing it to all of the state's senators and representatives on issues important to Multnomah County, helping to coordinate the delivery of services by various governmental agencies to businesses and residents of Multnomah County, and vigorously advocating the officially adopted positions of the County Board.

We are writing to you at this time to solicit your opinion and recommendation on this issue. Your view is important to us, and we believe that the voters of Multnomah County will look to your opinion in reviewing this issue regarding the functions of the County relative to the functions of state senators and representatives.

Please fill out the enclosed card and return it to us so that we may know your view. Please understand that your response will be included in our official record, which is an open public record, and which can be cited or referred to by our Committee or other members of the public during the Charter review and amendment process.

Thank you for your cooperation. Please feel free to contact any of the Charter Review Committee members listed on the attached sheet if you have any questions or would like any additional information. Thank you in advance for your cooperation.

Respectfully,

## ***SUPPLEMENTAL DECISIONS***

A separate series of questions on composition of the County Commission and selection of elected officials produced decisive results.

- A heavy majority of voters (69%) prefer a full-time County Commission.
- It is the consensus (72%) that the Commission retain its five membership status.
- Nearly two-thirds (62%) opt for the current system where managerial responsibility rests with the County Chair rather than a hired executive.
- Seven in ten (70%) say the County Sheriff should be elected rather than appointed.
- Six in ten (61%) also say that the County Auditor should be elected.
- An overwhelming majority (82%) maintain that salaries should be set by voters rather than granting authority to the Multnomah County Salary Commission.

### **A Lobbyist?**

Voters have more divergent views on whether a "representative" should be hired to protect the County's interests in the Legislature.

- 52% approve,
- 38% oppose, with
- 10% "undecided."

Semantics play a part in the decision, since "representative" carries a more favorable connotation than "lobbyist."