

SB 686 A -A9 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 4/9, 4/23, 5/5, 6/11

WHAT THE MEASURE DOES:

The measure requires, for use of digital journalism providers' content, certain online platforms (covered platforms) to compensate digital journalism providers in one of two ways: either pay a dollar amount annually, based on the number of worldwide monthly active users, or enter into a final arbitration process to determine the percentage of advertising revenue to be paid. It establishes that a digital journalism provider may request compensation from the annual payment amount or a grant through the Oregon Civic Information Consortium (OCIC), but not both. It establishes the final arbitration process. It also establishes the OCIC and its Board of Directors.

Detailed Summary

Digital Journalism Provider compensation

- Requires \$104 million to be paid annually by a covered platform with six billion or more worldwide monthly active users.
- Requires \$18 million to be paid annually by a covered platform with fewer than six billion worldwide monthly active users.
- Requires the dollar amounts of the annual payments to be adjusted for inflation, according to the Consumer Price Index for All Urban Consumers, West Region.
- Requires that, of the annual payments paid by covered platforms
 - 10 percent be allocated to the OCIC, and
 - 90 percent be allocated to the digital service providers.
- Requires that digital journalism providers spend at least 70 percent of funds received on news journalists and support staff, except providers with five or fewer employees must only spend at least 50 percent.
- Prohibits a digital journalism provider from being denied compensation on the basis that it publishes or provides content, in part or in whole, in a language other than English.

OCIC

- Creates OCIC to support Oregon news content providers, journalism, news, public information projects, and public interest initiatives that address civic information needs by providing grants from the proceeds generated pursuant to the annual payments or through the arbitration process.
- Allows the OCIC to set criteria for making grants, and establishes the requirements for projects receiving those grants.
- Establishes that OCIC shall be housed at the University of Oregon.
- Establishes a 13-member Board of Directors that is Governor-appointed and Senate-confirmed, and provides that the Board may appoint and employ an Executive Director to oversee OCIC operations.

Other Provisions

- Requires covered platforms to compile and post a list of online journalism providers that were accessed during the preceding 12 months, and provide that list to digital journalism platforms, upon request.
- Requires online platforms to report annually certain information about compensation paid to digital journalism providers.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

This summary has not been adopted or officially endorsed by action of the committee.

-A9 The amendment replaces the measure. It prevents certain online platforms (covered platforms) from accessing online content of a digital journalism provider (provider) for an Oregon audience, unless there is an agreement in place between the provider and the covered platform, and it establishes the standards for that agreement. It allows a provider to bring a civil action against a covered platform for specific reasons, and allows the provider to recover damages. It establishes a final arbitration process. It prevents a provider from bringing action against a covered platform for accessing content between January 1, 2026, and December 31, 2027, if the covered platform chooses to pay a provider a dollar amount annually, based on the number of its worldwide monthly active users. It establishes the Oregon Civic Information Consortium (OCIC) and its Board of Directors. It adds a preamble of "whereas" clauses, and adds, changes, and removes definitions.

Detailed Summary

Compensation agreement between covered platforms and digital journalism providers

- Required to:
 - be in writing;
 - be a standalone agreement that covers the compensation to digital journalism providers by covered platforms;
 - specify the compensation; and
 - include an audit of the covered platform's access of the digital journalism providers online content.
- Prohibits:
 - the agreement from being conditional; and
 - the covered platform from selling or licensing certain content or data to a third party.

Digital Journalism Provider compensation between January 1, 2026 and December 31, 2027

- Requires \$104 million to be paid annually by a covered platform with six billion or more worldwide monthly active users
- Requires \$18 million to be paid annually by a covered platform with fewer than six billion worldwide monthly active users
- Requires that, of the annual payments paid by covered platforms
 - 10% be allocated to the Oregon Civic Information Consortium, and
 - 90% be allocated to the digital service providers
- Requires that digital journalism providers spend at least 70% of funds received on news journalists and support staff.
- Prohibits a digital journalism provider from being denied compensation on the basis that it publishes or provides content, in part or in whole, in a language other than English.

Definitions

- Adds definitions for
 - "access for an Oregon Audience," and
 - "broadcaster."
- Changes definitions for
 - "advertising revenue,"
 - "covered platform," and
 - "publisher."
- Removes the definitions for
 - "editorial content,"
 - "eligible broadcaster," and
 - "qualifying publication."

OCIC

- Created to support Oregon news content providers, journalism, news, public information projects, and public interest initiatives that address civic information needs by providing grants from proceeds generated pursuant to the annual payments or through the arbitration process
- Allows the OCIC to set criteria for making grants, and establishes the requirements for projects receiving those grants
- Establishes that OCIC shall be housed at the University of Oregon
- Establishes a 13-member Board of Directors that is Governor appointed and Senate Confirmed

Other

- Requires covered platforms to compile and make public a list of online journalism providers that were accessed during the preceding two calendar years, with the first report due no later than March 1, 2026
- Changes the term "natural person" to "individual" throughout the measure.

Fiscal Impact: The amendment may have a fiscal impact, but a statement has not yet been released

Revenue Impact: The amendment may have a fiscal impact, but a statement has not yet been released

BACKGROUND:

At the federal level, in 2022, the [Journalism and Preservation Act of 2022](#) (S.673) attempted to set a process through which certain broadcast or digital news providers may collectively negotiate with covered online platforms regarding use of the news providers' content by the platforms. While the bill was passed out of two committees, it was placed on the Senate Calendar, and a vote was not taken.

At the state level, in 2024, the California Journalism Preservation Act (AB 886) attempted to establish two mechanisms through which digital journalism providers could obtain compensation from large online platforms for the value that the platforms derive from accessing the digital journalism providers' websites and other digital services. While the bill passed the Assembly, it was in a Senate Committee upon adjournment sine die.

New Jersey has the first in the nation [Civic Information Consortium](#), with a mission to provide financial resources to support and grow trustworthy, community-based news and information sources throughout the state. It was established in 2018 and is an independent, 501c(3) nonprofit organization. According to the Consortium, it reimagines how public funding can be used to address the growing problem of news deserts, misinformation, and how to support more informed communities. Its website states that to date, more than \$7.5 million has been awarded in more than 80 grants to over 50 organizations in 16 of the state's 21 counties. It brings together the six universities to address the lack of access to local news and information. It is eligible for state funding and can also obtain private funds. It has a 16-member Board of Directors.