

B-Engrossed Senate Bill 686

Ordered by the Senate June 20
Including Senate Amendments dated June 6 and June 20

Sponsored by Senator PHAM K, Representative WALTERS, Senators GELSER BLOUIN, FREDERICK, GOLDEN, GORSEK, MANNING JR, REYNOLDS; Senators ANDERSON, CAMPOS, JAMA, NERON, PATTERSON, Representatives BOWMAN, CHAICHI, GAMBA (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Requires a covered platform to have an agreement in order to access the online content of a news provider. Creates a group for civic information to give grants. (Flesch Readability Score: 62.7).

[Digest: Makes online platforms pay online news providers and a group for civic information. Creates a group for civic information to give grants. (Flesch Readability Score: 61.0).]

[Requires online platforms to pay moneys to digital journalism providers and the Oregon Civic Information Consortium. Allows an online platform to use an arbitration process to determine the percentage of an online platform's advertising revenue to be remitted to digital journalism providers.]

Prohibits a covered platform from accessing for an Oregon audience the online content of a digital journalism provider without an agreement. Specifies requirements that an agreement must meet.

Creates a private cause of action that a digital journalism provider may bring against a covered platform if the covered platform accesses for an Oregon audience the online content of the digital journalism provider without an agreement or fails to comply with an agreement. Allows for the recovery of the greater of statutory or actual damages, and for punitive damages.

Bars a cause of action if the covered platform is participating in arbitration or in compliance with a final arbitration order, judgment or settlement agreement. Bars a cause of action for access that occurs between January 1, 2026, and December 31, 2027, if the covered platform elects to pay a certain sum amount.

Allows a covered platform or group of digital journalism providers to initiate an arbitration process to determine a percentage of the covered platform's advertising revenue to be remitted to the digital journalism providers.

Requires online platforms to report annually certain information about compensation paid to digital journalism providers.

Establishes the Oregon Civic Information Consortium. Directs the consortium to award grants for applicants that seek to improve civic information.

A BILL FOR AN ACT

1
2 Relating to civic information.

3 Whereas a free and diverse fourth estate was critical in the founding of American democracy
4 and continues to be the lifeblood of a functional democratic society, and communities without local
5 news lose touch with government, business, education and neighbors; and

6 Whereas everyday journalism plays an essential role in Oregon life, and supporting the ability
7 of local news organizations to continue to provide the public with critical information about their
8 communities and enabling publishers to receive fair market value for their content that is monetized
9 by platforms will preserve and ensure the sustainability of local and diverse news outlets; and

10 Whereas two major technology platform companies, Google and Meta, currently crawl Oregon
11 publishers' news content and are being prosecuted by the federal government on allegations of op-
12 erating as anticompetitive monopolies in violation of the federal Sherman Act, and Oregon has a

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 compelling interest in protecting businesses that report and distribute news from unfair business
2 practices; and

3 Whereas in April 2025, U.S. District Judge Leonie M. Brinkema found that “Google has willfully
4 engaged in a series of anticompetitive acts to acquire and maintain monopoly power” in digital ad-
5 vertising markets and “substantially harmed Google’s publisher customers, the competitive process,
6 and, ultimately, consumers of information on the open web” and, in August 2024, U.S. District Judge
7 Amit Mehta found that in the markets for general search services and general search ads, “Google
8 is a monopolist, and it has acted as one to maintain its monopoly” and “earn monopoly profits”; and

9 Whereas an antitrust complaint filed against Meta by the Federal Trade Commission in January
10 2021 charged that “Facebook holds monopoly power in the market for personal social networking
11 services . . . in the United States, which it enjoys primarily through its control of the largest and
12 most profitable social network in the world”; and

13 Whereas the bulk of advertising budgets are now going to platforms like Google and Meta, in
14 what has been described as a duopoly, which, coupled with the monopolization of the Internet search
15 market, has directly caused harm to news outlets, as demonstrated and documented in numerous
16 studies, including the United States House of Representatives Committee on the Judiciary, Subcom-
17 mittee on Antitrust, Commercial and Administrative Law Majority Staff Report and Recommen-
18 dations on Investigation of Competition in Digital Markets; “Addressing the Power Imbalance
19 Between News Publishers and Digital Platforms: A Legislative Proposal for Effectuating Competitive
20 Payments to Newspapers,” Hal J. Singer, Managing Director of Econ One and Adjunct Professor of
21 Georgetown’s McDonough School of Business, Written Comments in Response to U.S. Copyright
22 Office’s Publishers’ Protection Study; and “Paying for News: What Google and Meta Owe US Pub-
23 lishers,” Initiative for Policy Dialogue, Columbia University, the final of which provides a basis for
24 calculating the quantification of this harm to publishers and broadcasters serving an Oregon audi-
25 ence; and

26 Whereas according to a report by the University of Oregon School of Journalism and
27 Communication’s Agora Journalism Center, 18 Oregon news outlets closed or went out of business
28 between the years 2022 and 2025, and other Oregon news outlets have undergone corporate mergers,
29 budget cuts and layoffs in newsrooms, and local news outlets have been destabilized both by the loss
30 of advertising and by the way those platforms draw audiences away into other online content while
31 algorithmically altering how readily local news appears in peoples’ web searches and social media
32 feeds; and

33 Whereas Google agreed to a \$391.5 million settlement with the State of Oregon in 2022 over the
34 platform’s deceptive practices of tracking user location data, even when a user turned a tracking
35 setting off, and in 2025 Google will pay a \$1.4 billion settlement with the state of Texas based on
36 allegations that Google misled consumers about its data practices continuing to collect and use
37 sensitive information even when users believed they had opted out, and making misleading claims
38 and misrepresentations about its practices, which follows previous settlements for \$700 million and
39 \$8 million for anticompetitive and deceptive trade practices; and

40 Whereas in 2023 the State of Oregon sued Meta for knowingly designing and deploying harmful
41 features on its platforms that purposefully addict children and teens while falsely assuring the public
42 that these features are safe and suitable for young users, and in 2025 Meta will pay a \$1.4 billion
43 settlement to the state of Texas for unlawfully collecting and using facial recognition data, the
44 largest settlement ever obtained from an action brought by a single state; and

45 Whereas in 2015 and 2016 Google created “AMP” as a competitor to Facebook Instant Articles,

1 and Google placed itself in the middle of the relationship between the news organization and its user
2 by marketing the benefits of AMP adoption to news organizations, resulting in the user no longer
3 visiting the news organizations' websites directly, but instead viewing a copy of the article hosted
4 on Google's servers inside its "walled garden"; and

5 Whereas many United States news publishers adopted AMP because Google locked non-AMP
6 pages out of features like the "Top Stories" carousel and Google News, and following adoption some
7 publishers reported that AMP pages generated less advertising revenue per page than non-AMP
8 pages; and

9 Whereas AMP preferential rankings have now been discontinued by the platform; now, there-
10 fore,

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

12 **SECTION 1. As used in sections 1 to 9 of this 2025 Act:**

13 (1) "Access" means to acquire, crawl or index online content.

14 (2) "Access for an Oregon audience" means to access online content for the purposes of
15 monetizing the online content by aggregating, distributing, rendering or displaying the online
16 content for an end user located in this state.

17 (3) "Advertising revenue" means revenue generated through the sale of digital advertis-
18 ing impressions that are served to end users in this state through an online platform.

19 (4) "Broadcaster" means a person that:

20 (a) Holds or operates under a license issued by the Federal Communications Commission
21 under subchapter III, chapter 5, Title 47 of the United States Code, and has held or operated
22 under the license for the previous two years;

23 (b) Engages professionals to create, edit, produce and distribute original content con-
24 cerning local, regional, national or international matters of public interest through activities,
25 including conducting interviews, observing current events, analyzing documents and other
26 information or fact-checking through multiple firsthand or secondhand news sources;

27 (c) Provides information to an Oregon audience and has provided information to an
28 Oregon audience for the previous two years;

29 (d) Updates its content on at least a weekly basis; and

30 (e) Uses an editorial process for error correction and clarification, including a transpar-
31 ent process for reporting errors or complaints to the broadcaster.

32 (5) "Covered platform" means a business that:

33 (a) Operates one or more online platforms;

34 (b) Accesses online content;

35 (c) Aggregates, distributes, renders or displays online content that the covered platform
36 accesses; and

37 (d) At any point during the last 12-month period:

38 (A) Had at least 50 million monthly active users or subscribers in the United States
39 across the covered platform's online platforms; and

40 (B) Had or is owned or controlled by a parent corporation with:

41 (i) Annual revenues or a market capitalization in the United States that is greater than
42 \$550 billion, adjusted annually for inflation since 2025 based on the Consumer Price Index for
43 All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-
44 tics of the United States Department of Labor; or

45 (ii) At least one billion worldwide monthly active users across the covered platform's or

1 parent corporation's online platforms.

2 (6) "Digital journalism provider" means a publisher or broadcaster that discloses its
3 ownership to the public.

4 (7) "Freelancer" means an individual, or an organization composed of no more than one
5 individual, hired or retained as a bona fide independent contractor by a digital journalism
6 provider to perform the functions described in subsection (8)(b) of this section for the pri-
7 mary purpose of producing content for an Oregon audience.

8 (8) "News journalist" means an individual who is:

9 (a) Employed for an average of at least 30 hours per week during a calendar quarter as
10 an employee of a digital journalism provider; and

11 (b) Responsible for gathering, developing, preparing, directing the recording of, produc-
12 ing, collecting, photographing, recording, writing, editing, reporting, designing, presenting
13 or publishing original news or information that concerns local, regional, national or inter-
14 national matters of public interest.

15 (9) "Online platform" includes an Internet website, online service, online application,
16 mobile application or digital assistant.

17 (10) "Publisher" means a person that publishes an Internet website, online or mobile ap-
18 plication or other digital service that:

19 (a) Provides information to an Oregon audience and has provided information to an
20 Oregon audience for the previous two years;

21 (b) Performs a public information function comparable to that traditionally served by
22 newspapers and other periodical news publications;

23 (c) Engages professionals to create, edit, produce and distribute original content or ori-
24 ginal content for which a valid license has been obtained concerning local, regional, national
25 or international matters of public interest through activities, including conducting inter-
26 views, observing current events, analyzing documents and other information or fact-checking
27 through multiple firsthand or secondhand news sources;

28 (d) Updates its content on at least a weekly basis;

29 (e) Has an editorial process for error correction and clarification, including a transparent
30 process for reporting errors or complaints to the publication;

31 (f) Meets one of the following criteria:

32 (A) Has generated at least \$100,000 in annual revenue from its content in the previous
33 calendar year;

34 (B) Had an International Standard Serial Number assigned to an affiliated periodical be-
35 fore January 1, 2025; or

36 (C) Is owned or controlled by an organization exempt from federal income taxation under
37 section 501(c)(3) of the Internal Revenue Code, as amended;

38 (g) Has at least 51 percent of its content consisting of information about topics of current
39 local, regional, national or international public interest; and

40 (h) Is not controlled or wholly or partially owned by one of the following:

41 (A) An entity that is a foreign power or an agent of a foreign power, as defined in 50
42 U.S.C. 1801;

43 (B) An entity that is designated as a foreign terrorist organization pursuant to 8 U.S.C.
44 1189;

45 (C) An entity that is a terrorist organization, as defined in 8 U.S.C. 1182;

1 (D) An entity that is designated as a specially designated global terrorist organization
2 under federal Executive Order 13224;

3 (E) An entity that is an affiliate of an entity described in subparagraph (A), (B), (C) or
4 (D) of this paragraph; or

5 (F) An entity that has been convicted of violating, or attempting to violate, 18 U.S.C.
6 2332b or 2339A.

7 (11) "Qualified arbitrator" means an arbitration organization that has arbitration rules
8 and procedures established for at least one year prior to the initiation of the arbitration.

9 (12) "Representative" means a labor organization designated as the exclusive bargaining
10 representative of news journalists or support staff for the purposes of collective bargaining
11 in accordance with applicable state or federal law.

12 (13) "Support staff" means an individual who performs nonexecutive functions, such as
13 payroll, human resources, fundraising and grant support, advertising and sales, community
14 events and partnerships, technical support, sanitation or security.

15 **SECTION 2.** (1) A covered platform may not access for an Oregon audience the online
16 content of a digital journalism provider unless the covered platform and digital journalism
17 provider have an agreement that meets the requirements under subsection (2) of this section
18 and the covered platform is in compliance with the agreement.

19 (2) An agreement between a covered platform and a digital journalism provider that al-
20 lows for the covered platform to access for an Oregon audience the online content of the
21 digital journalism provider must meet the following requirements:

22 (a) Be in writing;

23 (b) Be a standalone agreement that covers the compensation to be paid by the covered
24 platform in exchange for accessing for an Oregon audience the online content of the digital
25 journalism provider;

26 (c) Require the covered platform to compensate the digital journalism provider for ac-
27 cessing for an Oregon audience the online content of the digital journalism provider and
28 specify the amount or rate of the compensation;

29 (d) May not permit the covered platform to provide a service or added value in lieu of
30 paying compensation for accessing for an Oregon audience the online content of the digital
31 journalism provider;

32 (e) May not be conditioned on or tied to any other products or services;

33 (f) Provide for an audit of the covered platform's access of the online content of the
34 digital journalism provider; and

35 (g) Prohibit the covered platform from selling or licensing to a third party:

36 (A) The online content of the digital journalism provider that the covered platform ac-
37 cesses; or

38 (B) Any data the covered platform collects or maintains in accessing the online content
39 of the digital journalism provider.

40 **SECTION 2a.** (1) A digital journalism provider may bring a civil action against a covered
41 platform if:

42 (a) The covered platform accesses for an Oregon audience the online content of a digital
43 journalism provider without an agreement between the covered platform and digital
44 journalism provider that meets the requirements under section 2 of this 2025 Act; or

45 (b) The covered platform is not in compliance with an agreement between the covered

1 platform and digital journalism provider that meets the requirements under section 2 of this
2 2025 Act.

3 (2) The digital journalism provider may recover actual damages or statutory damages of
4 \$1,000 per access that the covered platform carried out in violation of section 2 of this 2025
5 Act, whichever is greater. The court or the jury may award punitive damages. The court
6 may provide any equitable relief the court considers necessary or proper.

7 (3) The court may award reasonable attorney fees and costs at trial and on appeal to a
8 prevailing plaintiff in an action under this section. The court may award reasonable attorney
9 fees and costs at trial and on appeal to a prevailing defendant only if the court finds that
10 an objectively reasonable basis for bringing the action or asserting the ground for appeal did
11 not exist.

12 (4) The court may not award attorney fees to a prevailing defendant under the provisions
13 of subsection (3) of this section if the action under this section is maintained as a class
14 action pursuant to ORCP 32.

15 (5) An action under this section must be commenced within one year from the discovery
16 of the access that gave rise to the claim for relief.

17 (6) The remedy provided under this section is in addition to, and not in lieu of, any other
18 claim for relief that may be available at law.

19 (7) Notwithstanding subsection (1) of this section, a digital journalism provider may not
20 bring an action against a covered platform for accessing for an Oregon audience the online
21 content of the digital journalism provider if the covered platform, on the date the access
22 occurs, was:

23 (a) Participating in an arbitration under section 5 of this 2025 Act; or

24 (b) In compliance with:

25 (A) A final arbitration order issued under section 5 of this 2025 Act;

26 (B) A judgment in an appeal of an arbitration award issued under section 5 of this 2025
27 Act; or

28 (C) A settlement agreement that is approved by an arbitrator under section 5 of this 2025
29 Act.

30 **SECTION 2b.** (1) Notwithstanding section 2a of this 2025 Act, a digital journalism provider
31 may not bring an action under section 2a of this 2025 Act against a covered platform for
32 accessing for an Oregon audience the online content of the digital journalism provider if the
33 access occurs between January 1, 2026, and December 31, 2027, and the covered platform
34 elects to carry out one of the following:

35 (a) For a covered platform with six billion or more worldwide monthly active users, the
36 covered platform pays a total of at least \$104 million each year to the digital journalism
37 providers that produce online content that the covered platform accesses for an Oregon au-
38 dience between January 1, 2026, and December 31, 2027; or

39 (b) For a covered platform with less than six billion worldwide monthly active users, the
40 covered platform pays a total of at least \$18 million each year to the digital journalism pro-
41 viders that produce online content that the covered platform accesses for an Oregon audi-
42 ence between January 1, 2026, and December 31, 2027.

43 (2) A covered platform that pays an amount under this section shall distribute 10 percent
44 of the amount the covered platform pays to the Oregon Civic Information Consortium es-
45 tablished under section 10 of this 2025 Act. The covered platform shall distribute the re-

1 **maintaining 90 percent of the amount the covered platform pays to the digital journalism**
2 **providers as follows:**

3 **(a) No less than one percent of the amount shall be paid to digital journalism providers**
4 **that would receive less than \$25,000 under paragraph (b) of this subsection to be distributed**
5 **annually proportionally by the number of news journalists and, subject to section 6 (1)(b)(B)**
6 **of this 2025 Act, freelancers who, in the previous calendar year, were employed by each dig-**
7 **ital journalism provider for the primary purpose of producing content for an Oregon audience**
8 **among those digital journalism providers, in addition to the amount those providers would**
9 **receive pursuant to paragraph (b) of this subsection; and**

10 **(b) The amount remaining after payment under paragraph (a) of this subsection shall be**
11 **distributed proportionally by the number of news journalists who, in the previous calendar**
12 **year, were employed by each digital journalism provider for the primary purpose of producing**
13 **content for an Oregon audience.**

14 **(3) A covered platform shall distribute amounts under this section in the manner pro-**
15 **vided under section 3 of this 2025 Act.**

16 **(4)(a) A digital journalism provider that wishes to receive an annual payment under this**
17 **section shall provide the covered platform a notice. The notice must include, at a minimum:**

18 **(A) The name of the digital journalism provider;**

19 **(B) The number of news journalists and freelancers employed or claimed under section**
20 **6 of this 2025 Act; and**

21 **(C) A contact person for the digital journalism provider.**

22 **(b) A covered platform may establish reasonable measures to verify that a notice is from**
23 **a genuine digital journalism provider.**

24 **SECTION 3. (1)(a) A covered platform shall engage an approved claims administrator to**
25 **distribute annual payments to digital journalism providers in compliance with any of the**
26 **following:**

27 **(A) A final arbitration order issued under section 5 of this 2025 Act;**

28 **(B) A judgment in an appeal of an arbitration award issued under section 5 of this 2025**
29 **Act; or**

30 **(C) A settlement agreement that is approved by an arbitrator under section 5 of this 2025**
31 **Act.**

32 **(b) In selecting an approved claims administrator, the covered platform shall ensure that**
33 **the administrator is well qualified to perform the distribution and has administered multiple**
34 **settlements in this state that comply with complex civil litigation class action settlement**
35 **guidelines in at least three state or federal courts in this state.**

36 **(c) The covered platform shall be responsible for covering the costs of the claims ad-**
37 **ministrator.**

38 **(2) An administrator distributing payments under this section shall:**

39 **(a) Prepare an annual statement of account related to the distribution activities, that is**
40 **certified by a certified public accountant;**

41 **(b) Provide a point of contact that a digital journalism provider may use to submit in-**
42 **quiries with timely redress;**

43 **(c) Establish policies to resolve disputes, guard against fraud and abuse and ensure that**
44 **any indistributable funds are reallocated among participating digital journalism providers**
45 **after a reasonable holding period; and**

1 (d) Publish on the administrator's website an annual report detailing nonconfidential op-
2 erations of the distribution activities, including the digital journalism providers that received
3 compensation and the amounts paid. The administrator shall provide the report to the cov-
4 ered platform and the covered platform shall also publish the report on the covered
5 platform's website.

6 (3) A covered platform shall identify a point of contact for email or other electronically
7 communicated digital journalism provider inquiries.

8 (4) A final arbitration award under section 5 of this 2025 Act to a jointly participating
9 group of digital journalism providers shall be distributed proportionally by the number of
10 news journalists and, subject to section 6 (1)(b)(B) of this 2025 Act, freelancers, who, in the
11 previous calendar year, were employed by each participating provider for the primary pur-
12 pose of producing content for an Oregon audience.

13 (5)(a) The amount of any compensation received by a digital journalism provider through
14 a commercial agreement for access to content by the covered platform that was offset pur-
15 suant to section 5 (8)(c)(C) of this 2025 Act shall be deducted from its allocation accordingly.

16 (b) A digital journalism provider may request payment under this section, or a grant
17 under section 12 of this 2025 Act, but not both.

18 (6)(a) A digital journalism provider that disagrees with the determination of its eligibility
19 or the amount of compensation awarded may seek a review of the determination as follows:

20 (A) The digital journalism provider shall seek redress through the dispute resolution
21 process established pursuant to subsection (2)(c) of this section.

22 (B) If the digital journalism provider disagrees with the result of the dispute resolution
23 process, the digital journalism provider may initiate an arbitration of the dispute by a qual-
24 ified arbitrator.

25 (b) Any request for arbitration pursuant to paragraph (a) of this subsection shall be made
26 within 10 days of receiving notice of the eligibility decision or compensation determination
27 to be challenged.

28 (c) In an arbitration pursuant to paragraph (a) of this subsection, the claims adminis-
29 trator shall pay the costs of the qualified arbitrator.

30 (7) A digital journalism provider may not be denied compensation under this section on
31 the basis that the provider publishes or broadcasts, in whole or in part, in a language other
32 than English.

33 **SECTION 4.** (1) No later than March 1 of each even-numbered year, a covered platform
34 shall compile and make public on the covered platform's website a list of digital journalism
35 providers that produced online content that the covered platform accessed for an Oregon
36 audience during the prior two calendar years.

37 (2) A covered platform shall:

38 (a) Establish and maintain an email address that a digital journalism provider may use
39 to submit a request to the covered platform to provide a copy of the list of digital journalism
40 providers described under subsection (1) of this section; and

41 (b) Upon request by a digital journalism provider, provide a copy of the list to the digital
42 journalism provider within three days of the request.

43 (3) A covered platform may not exclude a digital journalism provider from a list described
44 under subsection (1) of this section on the basis that the digital journalism provider publishes
45 or broadcasts, in whole or in part, in a language other than English.

1 **SECTION 5.** (1)(a) A covered platform or group of digital journalism providers organized
2 under subsection (3) of this section may initiate an arbitration under this section to deter-
3 mine a percentage of the covered platform’s advertising revenue that the covered platform
4 shall be required to remit on an annual basis for a two-year period to the digital journalism
5 providers that participate in the arbitration.

6 (b) The arbitration must be in the form of final offer arbitration.

7 (c)(A) The covered platform shall participate in the arbitration as a single party and no
8 other covered platform may participate in the arbitration.

9 (B) The group of digital journalism providers shall participate jointly as a single party.
10 However, each digital journalism provider may be individually represented during the arbi-
11 tration or any appeal of the final arbitration order or settlement.

12 (C) Only one group of digital journalism providers may initiate or participate in an arbi-
13 tration under this section with a covered platform.

14 (d) The parties shall engage a qualified arbitrator to carry out the arbitration. A panel
15 of three arbitrators affiliated with the qualified arbitrator shall determine the arbitration
16 procedures under the rules of the arbitrators. The arbitration procedures must be consistent
17 with the provisions of this section.

18 (2) Arbitration under this section may be initiated in the following manner:

19 (a) A covered platform may initiate an arbitration under this section within the 30-day
20 period immediately following the date the covered platform makes public on the covered
21 platform’s website the list of digital journalism providers described under section 4 (1) of this
22 2025 Act.

23 (b) A group of digital journalism providers organized under subsection (3) of this section
24 may initiate an arbitration under this section within the 30-day period immediately following
25 the date the group adopts rules and procedures to govern how the group shall make deci-
26 sions.

27 (3)(a) Digital journalism providers may organize as a group under this subsection by
28 adopting rules and procedures to govern how the group of digital journalism providers shall
29 make decisions regarding the arbitration or any appeal of the final arbitration order or
30 settlement.

31 (b) Digital journalism providers may organize as a group under this subsection within the
32 30-day period immediately following the date that:

33 (A) A covered platform makes public on the covered platform’s website the list of digital
34 journalism providers described under section 4 (1) of this 2025 Act; or

35 (B) A covered platform initiates an arbitration under this section.

36 (c) Any official decision or action by the group of participating digital journalism pro-
37 viders requires a majority vote. Each digital journalism provider that is a member of the
38 group is entitled to one vote.

39 (4)(a) Within 10 days from the date that both parties have filed an appearance in an ar-
40 bitration initiated under this section and prior to commencing the arbitration, the covered
41 platform and group of digital journalism providers shall engage in mediation for a period of
42 60 days to attempt to reach a settlement on a percentage of the covered platform’s adver-
43 tising revenue that the covered platform shall be required to remit on an annual basis for a
44 two-year period to the digital journalism providers.

45 (b) If the parties reach a settlement, the arbitrator may approve the settlement and the

1 arbitration will conclude. Any proposed settlement may not seek to waive a digital journalism
2 provider's obligations under section 6 of this 2025 Act.

3 (c) If the parties do not reach a settlement within 60 days, the parties shall commence
4 with the arbitration within 10 days from the last day of the mediation period.

5 (5) Each party shall pay one half of the costs of the arbitration. The one half of the costs
6 that the group of digital journalism providers are required to pay shall be deducted from any
7 amount awarded under this section and shall be deducted prior to any calculation under
8 section 3 (4) of this 2025 Act.

9 (6) The following procedures shall apply to the arbitration:

10 (a)(A) Each party may request the production of business records that are relevant to
11 the single percentage of the covered platform's advertising revenue to be awarded to the
12 participating digital journalism providers and that are nonprivileged, reasonably necessary
13 and reasonably accessible without undue expense. A party that receives a request for the
14 production of business records shall provide the business records within 30 days from the
15 date of the request.

16 (B) The covered platform is limited to one request for the production of business records
17 for each participating digital journalism provider. Within 10 days after receiving a request
18 for reimbursement from a digital journalism provider, the covered platform shall reimburse
19 the digital journalism provider for the digital journalism provider's reasonable costs of pro-
20 duction, including attorney fees.

21 (b) Each party shall each submit a final offer proposal on the amount the covered plat-
22 form shall be required to remit to the digital journalism providers on an annual basis for a
23 two-year period for accessing for an Oregon audience the online content of the digital
24 journalism providers. The amount must be based on the value that the covered platform re-
25 ceives for accessing for an Oregon audience the online content of the digital journalism
26 providers. The final offer proposals must include backup materials sufficient to permit the
27 other party to replicate the proffered valuation.

28 (c) A party's final offer proposal may not address whether or how the covered platform
29 or any digital journalism provider ranks, distributes, suppresses, promotes, throttles, labels,
30 filters or curates the online content of the digital journalism providers or any other person.

31 (7) Not later than 60 days from the date arbitration commences, the arbitration panel
32 shall accept without modification one of the parties' final offer proposals. In making its de-
33 termination on which final offer proposal to accept, the arbitration panel:

34 (a) May not take into consideration any value that the covered platform confers upon any
35 of the digital journalism providers for aggregating, distributing, rendering or displaying the
36 online content of the digital journalism providers, unless the covered platform does not au-
37 tomatically access the online content of the digital journalism provider; and

38 (b) Shall:

39 (A) If a commercial agreement exists between the covered platform and any of the digital
40 journalism providers, consider the monetary compensation that the covered platform pays
41 the digital journalism provider under the commercial agreement for the purpose of offsetting
42 the value created by a digital journalism provider;

43 (B) Consider past incremental revenue contributions as a guide to the future incremental
44 revenue contribution by any of the digital journalism providers;

45 (C) Consider the pricing, terms and conditions of any available or comparable commercial

1 agreements between a covered platform and digital journalism provider that grants the cov-
2 ered platform access to the online content of the digital journalism provider, including pric-
3 ing, terms and conditions relating to price, duration, territory and the value of data
4 generated directly or indirectly by the online content, taking into consideration any material
5 disparities in the negotiating power between the parties to those commercial agreements;
6 and

7 (D) If submitted with a final offer proposal, consider a digital journalism provider's pre-
8 vious compliance with section 6 of this 2025 Act to the extent applicable.

9 (8)(a) Within 15 days of accepting a final offer proposal, the arbitration panel shall issue
10 an arbitration award and final arbitration order.

11 (b) The arbitration award must set out the percentage of the covered platform's adver-
12 tising revenue that the covered platform shall be required to remit on an annual basis for a
13 two-year period to the digital journalism providers that participate in the arbitration.

14 (c) The final arbitration order must:

15 (A) Set forth the amount of the final offer proposal accepted by the arbitration panel;

16 (B) Require the covered platform to pay the final offer amount on an annual basis over
17 a two-year period;

18 (C) Authorize the covered platform to reduce the total amount the covered platform is
19 obligated to pay under the arbitration award by the total amount the covered platform is
20 obligated to pay under any commercial agreements the covered platform has with digital
21 journalism providers that participated in the arbitration. To receive an offset under this
22 subparagraph, the covered platform shall provide the arbitration panel a copy of each com-
23 mercial agreement for which the covered platform seeks an offset. The covered platform
24 may offset only the amount that the covered platform actually pays under a commercial
25 agreement;

26 (D) Include the date of the order;

27 (E) State the date that the order expires; and

28 (F) Set forth the process by which the parties may jointly request that the arbitration
29 award be renewed by the arbitration panel.

30 (9)(a) Any party to the arbitration proceeding may appeal the decision of the arbitration
31 panel to a circuit court of competent jurisdiction for a trial de novo.

32 (b) Notwithstanding ORCP 36, in a trial de novo under this subsection:

33 (A) Production of documents or things is limited to any business records produced during
34 the arbitration proceeding; and

35 (B) Depositions of persons are limited to persons that a party designates as a trial wit-
36 ness. A person that a party does not designate as a trial witness by pretrial court order may
37 not provide testimony at trial.

38 (c) In a trial de novo under this subsection, the circuit court shall review de novo the
39 choice of the arbitration panel between the parties' final offer proposals under subsection (7)
40 of this section, using the standards set forth in subsections (6) and (7) of this section and
41 applying the provisions of subsection (8)(c)(C) of this section.

42 (10) No less than one percent of each arbitration award shall be paid to digital journalism
43 providers that would receive less than \$25,000 under the arbitration award, to be distributed
44 annually proportionally by the number of news journalists and, subject to section 6 (1)(b)(B)
45 of this 2025 Act, freelancers who, in the previous calendar year, were employed by each dig-

1 **ital journalism provider for the primary purpose of producing content for an Oregon audience**
2 **among those digital journalism providers, in addition to the amount those digital journalism**
3 **providers would receive under an arbitration award.**

4 **(11) An arbitration award and final arbitration order issued under this section expires**
5 **within two years after an arbitration panel issues the order unless the arbitration panel re-**
6 **news the award and order.**

7 **(12) Within 90 days prior to the expiration of an arbitration award and final arbitration**
8 **order, the parties may jointly request that the arbitration panel renew the award and order**
9 **for an additional two years. The parties shall make the request in writing pursuant to the**
10 **procedures set forth in the order. The award and order may be renewed as often as the**
11 **parties request the award and order be renewed.**

12 **SECTION 6. (1)(a) Except as provided in paragraph (b) of this subsection, a digital**
13 **journalism provider shall spend at least 70 percent of funds received under sections 1 to 7**
14 **of this 2025 Act on news journalists and support staff employed by the digital journalism**
15 **provider.**

16 **(b)(A) A digital journalism provider with five or fewer employees shall spend at least 50**
17 **percent of funds received pursuant to sections 1 to 7 of this 2025 Act on news journalists and**
18 **support staff employed by the digital journalism provider.**

19 **(B) For the purpose of calculating an allocation from a covered platform made pursuant**
20 **to section 3 (4) of this 2025 Act, or for establishing a digital journalism provider's minimum**
21 **allocation to news journalists and support staff pursuant to this section, a digital journalism**
22 **provider with five or fewer employees may elect to count dollars spent on the equivalent**
23 **functions performed by news journalists as follows:**

24 **(i) The digital journalism provider shall employ at least one news journalist for the pri-**
25 **mary purpose of producing content for an Oregon audience.**

26 **(ii) A digital journalism provider may elect to count each \$40,000 spent by the provider**
27 **in the previous calendar year to compensate freelancers performing the functions described**
28 **in section 1 (8)(b) of this 2025 Act as employing the equivalent of one news journalist, up to**
29 **a maximum of \$160,000 or the equivalent of four news journalists, with those amounts ad-**
30 **justed annually for inflation since 2025 based on the Consumer Price Index for All Urban**
31 **Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the**
32 **United States Department of Labor. In no instance may the total number of news journalists**
33 **and freelancers claimed pursuant to this subparagraph exceed the number of individuals**
34 **compensated by the digital journalism provider.**

35 **(2) No later than 30 days after the entry of an arbitration award or judgment in an appeal**
36 **of an arbitration award under section 5 of this 2025 Act or reaching a settlement in lieu of**
37 **an arbitration proceeding, the digital journalism provider shall provide notification in writing**
38 **of its plan to comply with subsection (1) of this section to the news journalists and support**
39 **staff employed by the digital journalism provider and any representatives of those news**
40 **journalists or support staff.**

41 **(3) The digital journalism provider's plan to comply with subsection (1) of this section**
42 **shall include a good faith estimate of the number of news journalists and support staff, re-**
43 **spectively, if any, expected to be hired, details regarding proposed compensation adjustments,**
44 **if any, and a disclosure if either hiring or compensation adjustments are not expected.**

45 **SECTION 7. (1) No later than one year after the entry of an arbitration award or judg-**

1 ment in an appeal of an arbitration award under section 5 of this 2025 Act or reaching a
2 settlement of claims under sections 1 to 7 of this 2025 Act, and each year thereafter, a digital
3 journalism provider shall compile a report that includes the following:

4 (a) An attestation as to whether the digital journalism provider has complied with section
5 6 (1) of this 2025 Act;

6 (b) The text of the digital journalism provider's plan to comply with section 6 (1) of this
7 2025 Act;

8 (c) The total number of payments received from covered platforms under sections 1 to 7
9 of this 2025 Act;

10 (d) The name of each covered platform paying the digital journalism provider a payment
11 under sections 1 to 7 of this 2025 Act and a description of how the digital journalism provider
12 spent the payment, including any amount of payments under sections 1 to 7 of this 2025 Act
13 remaining unspent; and

14 (e) The total number of news journalists and support staff, respectively, employed by the
15 digital journalism provider, including the number of news journalists and support staff hired
16 or terminated, respectively, during the previous year.

17 (2) No later than one year after the end of an arbitration proceeding described in section
18 5 of this 2025 Act or reaching a settlement of claims under sections 1 to 7 of this 2025 Act,
19 and each year thereafter, the digital journalism provider shall publish a copy of the report
20 described in subsection (1) of this section online in a text-searchable format and provide a
21 copy to the news journalists and support staff employed by the digital journalism provider,
22 to any representatives of those news journalists or support staff and to the covered plat-
23 forms making payments under sections 1 to 7 of this 2025 Act to the digital journalism pro-
24 vider.

25 (3) If a digital journalism provider fails to comply with this section, a covered platform
26 may withhold payments under sections 1 to 7 of this 2025 Act until the digital journalism
27 provider has provided a copy of the report to the covered platform and has published a copy
28 of the report online pursuant to subsection (2) of this section.

29 **SECTION 8.** (1) Nothing in sections 1 to 7 of this 2025 Act shall be construed as amending
30 or repealing the ability of a digital journalism provider or a covered platform to avail itself
31 of an existing remedy available at law.

32 (2) A digital journalism provider may seek and obtain injunctive relief to compel compli-
33 ance with sections 3 to 5 of this 2025 Act, and court costs and reasonable attorney fees shall
34 be awarded to a prevailing provider.

35 **SECTION 9.** Sections 1 to 7 of this 2025 Act do not:

36 (1) Modify, impair, expand or in any way alter rights pertaining to Title 17 of the United
37 States Code or the Lanham Act (15 U.S.C. 1051 et seq.); or

38 (2) Abridge or impair rights otherwise reserved by news journalists, support staff or their
39 representatives according to applicable law or existing collective bargaining agreements.

40 **SECTION 10.** (1)(a) There is established as a nonprofit corporation the Oregon Civic In-
41 formation Consortium. The purpose of the consortium is to provide grants to support Oregon
42 news content providers, journalism, news, public information projects and public interest
43 initiatives that address Oregonians' civic information needs.

44 (b) The University of Oregon shall house and provide back-office support to the consor-
45 tium. The consortium shall be a collaborative effort among Oregon journalistic publications,

1 news outlets, member universities and nonprofit and community organizations related to the
2 purposes of sections 1 to 7 of this 2025 Act.

3 (2) The consortium shall have a board of directors. The board shall set strategic priorities
4 and metrics to guide the consortium's grant programs and other initiatives. The board shall
5 consist of 13 members appointed by the Governor and subject to confirmation by the Senate
6 in the manner prescribed in ORS 171.562 and 171.565, as follows:

7 (a) Five members employed in the news media industry or Oregon journalistic publica-
8 tions;

9 (b) Three members representing nonprofit or community organizations;

10 (c) One member representing a labor union for working journalists;

11 (d) One member from a society of professional journalism;

12 (e) One member representing the digital technology sector;

13 (f) One member representing the University of Oregon; and

14 (g) One member representing another public university listed in ORS 352.002.

15 (3) The term of office of each member described in subsection (2) of this section is four
16 years. Before the expiration of the term of a member, the Governor shall appoint a successor
17 whose term begins on January 1 of the following year. A member may be reappointed. If
18 there is a vacancy for any cause, the Governor shall make an appointment to become im-
19 mediately effective for the unexpired term.

20 (4) The board shall select one of its members as chairperson and another as vice chair-
21 person for such terms and with such duties and powers as the board considers necessary for
22 performance of the functions of those offices.

23 (5) A majority of members of the board constitutes a quorum for the transaction of
24 business.

25 (6) The board shall meet at times and places specified by the chairperson or by a majority
26 of the members of the board.

27 (7) The board shall hold public hearings annually in different geographical regions of this
28 state. The public hearings shall provide a forum for the board to report on how the public
29 funds that the consortium receives are spent and to gather public input on what the
30 consortium's mission should be and whether the consortium is meeting its mission. Public
31 input shall be used to assess whether the consortium's grant-making metrics or process for
32 issuing grants needs to be changed.

33 (8) Members of the board are not entitled to compensation, but may be reimbursed for
34 actual and necessary travel and other expenses incurred by them in the performance of their
35 official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses
36 shall be paid out of such funds as may be available to the board.

37 (9) On or before September 1 of each year, the board shall submit a report on the activ-
38 ities of the consortium in the manner provided by ORS 192.245, and may include recommen-
39 dations for legislation, regulations or policies, to the Governor and the interim committees
40 of the Legislative Assembly related to higher education. The report must include, at a mini-
41 mum:

42 (a) A list of all grant applicants and approved grant applicants;

43 (b) The grant amounts of approved grant applicants;

44 (c) The amount of matching funds and types of in-kind contributions provided to ap-
45 proved grant applicants; and

1 (d) The status of the activities funded by an approved grant applicant.

2 **SECTION 11.** (1) The Oregon Civic Information Consortium board of directors described
3 under section 10 of this 2025 Act shall appoint and employ an executive director and fix the
4 executive director's compensation and conditions of employment. The executive director
5 shall be the chief executive, administrative and operational officer of the consortium and
6 shall direct and supervise the administrative affairs and the general management of the
7 consortium. The executive director shall oversee the consortium's day-to-day operations,
8 which includes working with the board to meet the consortium's goals and grant-making
9 requirements, hiring and managing program officers and administrative staff pursuant to
10 subsection (2) of this section, acting as a spokesperson for the consortium's work and raising
11 funds from external sources. The executive director shall attend all meetings of the board.

12 (2)(a) The executive director shall employ one or more program officers who are experi-
13 enced practitioners with a strong understanding of the local journalism field, community-
14 based organizations and fiscal and grant management. The executive director shall strive to
15 appoint program officers that represent this state's racial, ethnic, gender and geographic
16 diversity within any limits allowed under law. The program officers shall manage the grant-
17 making process, in accordance with the consortium's goals. The grant-making process shall
18 include soliciting, recommending and processing grant proposals, working with grantees to
19 ensure work on grant project ideas and directing public engagement and evaluation efforts.

20 (b) The executive director shall employ administrative staff to provide operational sup-
21 port for the consortium, including office management, support for the executive director and
22 program officers, coordination among member universities, payment to grantees, human
23 resources and logistics.

24 **SECTION 12.** (1) The Oregon Civic Information Consortium established under section 10
25 of this 2025 Act shall establish criteria for making grants. The consortium shall make avail-
26 able on the consortium's website the grant-making criteria and other relevant documents.

27 (2) The consortium shall provide grants for projects that achieve the following goals:

28 (a) Serve the public interest, improve civic information and increase availability of local
29 news content in this state.

30 (b) Enhance the quality and availability of timely, reliable local news supporting local
31 reporting and investigative journalism, with attention to underserved areas and meeting the
32 information needs of low-income and racial and ethnic communities, through culturally spe-
33 cific and multilingual content and other means.

34 (c) Develop stronger journalism networks through shared practices and partnerships,
35 support training of journalism students and working professionals and support job creation
36 and career advancement opportunities related to local journalism.

37 (d) Other related goals to be determined by the consortium's board of directors.

38 (3) A grant issued by the consortium shall be in the form of a grant agreement. A grant
39 agreement shall include a provision establishing a set of metrics for assessing the goals
40 contained in the agreement to ensure evaluation of a grantee project on how well those goals
41 are being met and any other relevant accountability measures. The set of metrics shall be
42 established by the consortium's board of directors in coordination with the consortium's
43 executive director and program officers. The agreement shall include the expectations stated
44 between the consortium and the grantee, which shall include, but not be limited to, a state-
45 ment that:

1 **(a) The grantee shall be independent from the influence of the state, a member univer-**
2 **sity, an outside source and any other grantor or contributor of funds; and**

3 **(b) Any grantor or other contributor of funds to the grantee shall acknowledge in writing**
4 **the grantor's or contributor's understanding that the grant or donation does not entitle the**
5 **grantor or contributor to dictate or influence the content of any work the grantee produces**
6 **or may produce.**

7 **SECTION 13. A covered platform shall compile and make public the first list required**
8 **under section 4 (1) of this 2025 Act no later than March 1, 2026.**

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