

11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents.

- (1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.
- (2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit:
 - (a) Any person from compensating his or her sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or
 - (b) Any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 74, sec. 7, effective June 27, 2019. -- Amended 2012 Ky. Acts ch. 75, sec. 3, effective April 11, 2012. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 52, effective September 16, 1993.

Legislative Research Commission Note (4/11/2012). The phrase "board of trustees" in subsection (2)(b) of this statute has been changed in codification to "boards of trustees." This manifest clerical or typographical error has been corrected by the Reviser of Statutes under the authority of KRS 7.136(1).