

1 AN ACT relating to executive agency lobbying.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 11A.211 is amended to read as follows:

4 (1) Each executive agency lobbyist, employer, and real party in interest shall file with
5 the commission within ten (10) days following the engagement of an executive
6 agency lobbyist, an initial registration statement showing all of the following:

- 7 (a) The name, business address, and occupation of the executive agency lobbyist;
- 8 (b) The name and business address of the employer and of any real party in
9 interest on whose behalf the executive agency lobbyist is acting, if it is
10 different from the employer. However, if a trade association or other
11 charitable or fraternal organization that is exempt from federal income
12 taxation under Section 501(c) of the Internal Revenue Code is the employer,
13 the statement need not list the names and addresses of every member of the
14 association or organization, so long as the association or organization itself is
15 listed;
- 16 (c) A brief description of the executive agency decision to which the engagement
17 relates;
- 18 (d) The name of the executive agency or agencies to which the engagement
19 relates; ~~and~~
- 20 (e) Certification by the employer and executive agency lobbyist that the
21 information contained in the registration statement is complete and accurate;

22 **and**

23 **(f) Compensation paid to each executive agency lobbyist by each employer.**

24 (2) In addition to the initial registration statement required by subsection (1) of this
25 section, each executive agency lobbyist, employer, and real party in interest shall
26 file with the commission, not later than the last day of July of each year, an updated
27 registration statement that confirms the continuing existence of each engagement

1 described in an initial registration statement and that lists the specific executive
2 agency decisions the executive agency lobbyist sought to influence under the
3 engagement during the period covered by the updated statement and the
4 compensation paid to each executive agency lobbyist by each employer, and with
5 it any statement of expenditures required to be filed by KRS 11A.216 and any
6 details of financial transaction required to be filed by KRS 11A.221.

7 (3) If an executive agency lobbyist is engaged by more than one (1) employer, the
8 executive agency lobbyist shall file a separate initial and updated registration
9 statement for each engagement and list compensation paid to the executive agency
10 lobbyist by each employer. If an employer engages more than one (1) executive
11 agency lobbyist, the employer shall file only one (1) updated registration statement
12 under subsection (2) of this section, which shall contain the information required by
13 subsection (2) of this section regarding all executive agency lobbyists engaged by
14 the employer.

15 (4) (a) A change in any information required by subsection (1)(a), (b), (c), (d), or (2)
16 of this section shall be reflected in the next updated registration statement
17 filed under subsection (2) of this section.

18 (b) Within thirty (30) days following the termination of an engagement, the
19 executive agency lobbyist who was employed under the engagement shall file
20 written notice of the termination with the commission.

21 (5) Each employer of one (1) or more executive agency lobbyists, and each real party in
22 interest, shall pay a registration fee of five hundred dollars (\$500) upon the filing of
23 an updated registration statement. All fees collected by the commission under the
24 provisions of this subsection shall be deposited in the State Treasury in a trust and
25 agency fund account to the credit of the commission. These agency funds shall be
26 used to supplement general fund appropriations for the operations of the
27 commission and shall not lapse. No part of the trust and agency fund account shall

1 revert to the general funds of this state.

2 (6) Upon registration pursuant to this section, an executive agency lobbyist shall be
3 issued a card annually by the commission showing the executive agency lobbyist is
4 registered. The registration card shall be valid from the date of its issuance through
5 the thirty-first day of July of the following year.

6 (7) The commission shall review each registration statement filed with the commission
7 under this section to determine if the statement contains all of the required
8 information. If the commission determines the registration statement does not
9 contain all of the required information or that an executive agency lobbyist,
10 employer, or real party in interest has failed to file a registration statement, the
11 commission shall send written notification of the deficiency by certified mail to the
12 person who filed the registration statement or to the person who failed to file the
13 registration statement regarding the failure. Any person so notified by the
14 commission shall, not later than fifteen (15) days after receiving the notice, file a
15 registration statement or an amended registration statement that includes all of the
16 required information. If any person who receives a notice under this subsection fails
17 to file a registration statement or an amended registration statement within the
18 fifteen (15) day period, the commission may initiate an investigation of the person's
19 failure to file. If the commission initiates an investigation pursuant to this section,
20 the commission shall also notify each elected executive official and the secretary of
21 each cabinet listed in KRS 12.250 of the pending investigation.

22 (8) In the biennial report published under KRS 11A.110(13), the commission shall, in
23 the manner and form the commission determines, include a report containing
24 statistical information on the registration statements filed under this section during
25 the preceding biennium.

26 (9) If an employer who engages an executive agency lobbyist, or a real party in interest
27 on whose behalf the executive agency lobbyist was engaged is the recipient of a

1 contract, grant, lease, or other financial arrangement pursuant to which funds of the
2 state or of an executive agency are distributed or allocated, the executive agency or
3 any aggrieved party may consider the failure of the real party in interest, the
4 employer, or the executive agency lobbyist to comply with this section as a breach
5 of a material condition of the contract, grant, lease, or other financial arrangement.

6 (10) Executive agency officials may require certification from any person seeking the
7 award of a contract, grant, lease, or financial arrangement that the person, his
8 employer, and any real party in interest are in compliance with this section.

9 ➔Section 2. KRS 11A.236 is amended to read as follows:

10 (1) Except as provided in subsection (2) of this section, no person shall engage any
11 persons to influence executive agency decisions or conduct executive agency
12 lobbying activity for compensation that is contingent in any way on the outcome of
13 an executive agency decision, including payment based on the awarding of a
14 contract or payment of a percentage of a government contract awarded, and no
15 person shall accept any engagement to influence executive agency decisions or
16 conduct executive agency lobbying activity for compensation that is contingent in
17 any way on the outcome of an executive agency decision, including payment based
18 on the awarding of a contract or payment of a percentage of a government
19 contract awarded.

20 (2) Subsection (1) of this section does not prohibit, and shall not be construed to
21 prohibit:

22 (a) Any person from compensating his sales employees pursuant to an incentive
23 compensation plan, such as commission sales, if the incentive compensation
24 plan is the same plan used to compensate similarly situated sales employees
25 who are not executive agency lobbyists; or

26 (b) Any person from engaging a placement agent to influence investment
27 decisions of the Kentucky Retirement Systems and the Kentucky Teachers'

1 Retirement System for compensation that is contingent on the outcome of
2 investment decisions by the retirement systems' boards of trustees. The
3 provisions of this paragraph shall not apply to unregulated placement agents.