

1 AN ACT relating to lobbying.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Engage" has the same meaning as in KRS 6.611 and 11A.201;*

7 *(b) "Lobby" or "lobbying" means contacts made to promote, advocate, or*
8 *oppose the passage, modification, defeat, or executive approval or veto of*
9 *any legislation or otherwise influence the outcome of any legislative or*
10 *executive action or decision by direct communication with a local*
11 *government official or any staff member of a local government official;*

12 *(c) 1. "Lobbyist" means any person who is engaged during at least a portion*
13 *of his or her time to lobby as one (1) of his or her official*
14 *responsibilities.*

15 *2. "Lobbyist" does not include:*

16 *a. Any person who limits his or her lobbying activities to appearing*
17 *before public meetings of committees, subcommittees, task*
18 *forces, or public hearings held by a local government;*

19 *b. A private citizen who receives no compensation for lobbying and*
20 *who expresses a personal opinion; or*

21 *c. An elected or appointed officer or employee of a federal or state*
22 *agency, state college, state university, or political subdivision*
23 *acting in his or her fiduciary capacity as a representative of his*
24 *or her agency, college, university, or political subdivision;*

25 *(d) "Lobbyist employer" means any person or entity that engages a lobbyist;*
26 *and*

27 *(e) "Local government" means any of the following:*

- 1 1. City government;
- 2 2. County government;
- 3 3. Urban-county government;
- 4 4. Charter county government;
- 5 5. Consolidated local government; or
- 6 6. Unified local government.

7 (2) Each lobbyist and lobbyist employer that engages in lobbying activity to a local
8 government shall file a registration statement to the Department for Local
9 Government on a form provided by the Department for Local Government listing
10 the following:

11 (a) The name, business address and telephone number, and occupation of the
12 lobbyist;

13 (b) The name and business address of the lobbyist employer and of any real
14 party in interest on whose behalf the lobbyist is acting, if different from the
15 employer. For the purposes of this section, if a trade association or other
16 charitable or fraternal organization that is exempt from federal income
17 taxation under Section 501(c) of the Internal Revenue Code is the employer,
18 the statement shall not list the names and addresses of each member of the
19 association or organization, if the association or organization itself is listed;

20 (c) A brief description of:

21 1. The activity or activities that the lobbyist is engaged or will be engaged
22 in lobbying on behalf of the lobbyist employer, or as a representative
23 of an organized association, coalition, or public interest entity; and

24 2. Any local government decision or ordinance to which the engagement
25 relates;

26 (d) The name of the local government or local governments to which the
27 engagement relates;

1 (e) Compensation paid to, or received by, each lobbyist, lobbyist employer, and
 2 real party in interest as part of the engagement; and

3 (f) Certification from the lobbyist or lobbyist employer that the information
 4 contained in the statement is complete and accurate.

5 (3) (a) The registration statement shall be filed with the Department for Local
 6 Government within thirty (30) days of the engagement.

7 (b) In addition to the requirements of paragraph (a) of this subsection, each
 8 lobbyist and lobbyist employer shall submit a registration statement either
 9 with the same or updated information, as appropriate, to the department on
 10 an annual basis by June 30.

11 (4) The Department for Local Government shall maintain the registration statements
 12 and publish the filed registration statements on its website. The Department for
 13 Local Government shall, by August 1 of each year, maintain, update, and publish
 14 the list of registered lobbyists and lobbyist employers, and publish two (2) lists,
 15 one (1) organized by lobbyist employer, and the other organized by local
 16 government lobbied.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 18 READ AS FOLLOWS:

19 (1) As used in this section:

20 (a) "Engage" has the same meaning as in KRS 6.611 and KRS 11A.201;

21 (b) "Lobby" or "lobbying" means contacts made to promote, advocate, or
 22 oppose the passage, modification, defeat, or executive approval or veto of
 23 any legislation or otherwise influence the outcome of any legislative or
 24 executive action or decision by direct communication with a member of a
 25 local board of education, public charter school board of directors, or an
 26 employee of any school district, public school, or public charter school;

27 (c) 1. "Lobbyist" means any person who is engaged during at least a portion

1 of his or her time to lobby as one (1) of his or her official
2 responsibilities.

3 2. "Lobbyist" does not include:

4 a. Any person who limits his or her lobbying activities to appearing
5 before public meetings of committees, subcommittees, task
6 forces, or public hearings held by a school district, public school,
7 or public charter school;

8 b. A private citizen who receives no compensation for lobbying and
9 who expresses a personal opinion; or

10 c. An elected or appointed officer or employee of a federal or state
11 agency, state college, state university, or political subdivision
12 acting in his or her fiduciary capacity as a representative of his
13 or her agency, college, university, or political subdivision; and

14 (d) "Lobbyist employer" means any person or entity that engages a lobbyist.

15 (2) Each lobbyist and lobbyist employer that engages in lobbying activity to a school
16 district, public school, or public charter school shall file a registration statement
17 to the Kentucky Department of Education on a form provided by the Kentucky
18 Department of Education listing the following:

19 (a) The name, business address and telephone number, and occupation of the
20 lobbyist;

21 (b) The name and business address of the lobbyist employer and of any real
22 party in interest on whose behalf the lobbyist is acting, if different from the
23 employer. For the purposes of this section, if a trade association or other
24 charitable or fraternal organization that is exempt from federal income
25 taxation under Section 501(c) of the Internal Revenue Code is the employer,
26 the statement shall not list the names and addresses of each member of the
27 association or organization, if the association or organization itself is listed;

1 (c) A brief description of:

2 1. The activity or activities that the lobbyist is engaged or will be engaged
3 in lobbying on behalf of the lobbyist employer, or as a representative
4 of an organized association, coalition, or public interest entity; and

5 2. Any decision from a local board of education, public charter school
6 board of directors, public school, or public charter school to which the
7 engagement relates;

8 (d) The name of each school district, public school, and public charter school
9 to which the engagement relates;

10 (e) Compensation paid to, or received by, each lobbyist, employer, and real
11 party in interest as part of the engagement; and

12 (f) Certification from the lobbyist or lobbyist employer that the information
13 contained in the statement is complete and accurate.

14 (3) (a) The registration statement shall be filed with the Department of Education
15 within thirty (30) days of the engagement.

16 (b) In addition to the requirements of paragraph (a) of this subsection, each
17 lobbyist and lobbyist employer shall submit a registration statement either
18 with the same or updated information, as appropriate, to the Kentucky
19 Department of Education by June 30 of each year.

20 (4) The Kentucky Department of Education shall maintain the registration
21 statements and publish the filed registration statements on its website. The
22 Kentucky Department of Education shall, by August 1 of each year, maintain,
23 update, and publish the list of registered lobbyists and lobbyist employers, and
24 publish two (2) lists, one (1) organized by lobbyist employer, and the other
25 organized by school district, public school, or public charter school lobbied.

26 ➔ SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
27 READ AS FOLLOWS:

- 1 (1) No later than November 1, 2024, each local board of education shall adopt a code
- 2 of ethics for members of the local board of education and the superintendent.
- 3 (2) Each code of ethics adopted under subsection (1) of this section shall include but
- 4 not be limited to the following:
- 5 (a) Standards of conduct for elected and appointed board members and
- 6 employees;
- 7 (b) A policy on the employment of relatives of board members or employees of a
- 8 school district;
- 9 (c) The designation of a person or group who shall be responsible for
- 10 enforcement of the code of ethics, receipt of complaints alleging possible
- 11 violations of the code of ethics, investigation of possible violations of the
- 12 code of ethics, and imposition of penalties provided in the code of ethics;
- 13 and
- 14 (d) Restrictions and limitations on lobbyists.

15 ➔Section 4. KRS 65.003 is amended to read as follows:

- 16 (1) (a) The governing body of each city, county, urban-county, consolidated local
- 17 government, and charter county, shall adopt, by ordinance, a code of ethics
- 18 which shall apply to all elected officials of the city, county, urban-county,
- 19 consolidated local government, or charter county, and to appointed officials
- 20 and employees of the city, county, urban-county, consolidated local
- 21 government, or charter county government, or agencies created jointly, as
- 22 specified in the code of ethics. The elected officials of a city, county, or
- 23 consolidated local government to which a code of ethics shall apply include
- 24 the mayor, county judge/executive, members of the governing body, county
- 25 clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do
- 26 not include members of any school board. Agencies created jointly may
- 27 include planning or administrative commissions or boards. Candidates for the

1 local government elective offices specified in this subsection shall comply
2 with the annual financial disclosure statement filing requirements contained in
3 the code of ethics.

4 (b) The boards, officers, and employees of special purpose governmental entities
5 shall be subject to a code of ethics as provided in KRS 65A.070. As used in
6 this section, special purpose governmental entity has the same meaning as in
7 KRS 65A.010.

8 (2) Any city, county, or consolidated local government may enter into a memorandum
9 of agreement or an interlocal agreement with one (1) or more other cities, counties,
10 or consolidated local governments for joint adoption of a code of ethics which shall
11 apply to all elected officials of the cities, counties, or consolidated local
12 governments, and to appointed officials and employees as specified by each of the
13 cities, counties, or consolidated local governments which enters into the agreement.
14 Interlocal agreements shall be executed pursuant to the Interlocal Cooperation Act
15 in KRS 65.210 to 65.300. The interlocal agreement or memorandum of agreement
16 may provide for but shall not be limited to:

17 (a) The provision of administrative services relating to the implementation of a
18 code of ethics;

19 (b) The creation of a regional ethics board which serves independently to provide
20 advice to member governments and their officials and provides for the
21 enforcement of locally adopted codes of ethics; and

22 (c) Contracting by a memorandum of agreement with an area development
23 district for the provision of administrative services relating to the
24 implementation of a code of ethics.

25 Candidates for the city, county, or consolidated local government elective offices
26 specified in this subsection shall comply with the annual financial disclosure
27 statement filing requirements contained in the code of ethics.

- 1 (3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or
2 amended as provided by subsection (4) of this section, shall include but not be
3 limited to provisions which set forth:
- 4 (a) Standards of conduct for elected and appointed officials and employees;
- 5 (b) Requirements for creation of financial disclosure statements, which shall be
6 filed annually by all candidates for the city, county, or consolidated local
7 government elective offices specified in subsection (1) of this section, elected
8 officials of each city, county, or consolidated local government, and other
9 officials or employees of the city, county, or consolidated local government,
10 as specified in the code of ethics, and which shall be filed with the person or
11 group responsible for enforcement of the code of ethics;
- 12 (c) A policy on the employment of members of the families of officials or
13 employees of the city, county, or consolidated local government, as specified
14 in the code of ethics;~~and~~
- 15 (d) The designation of a person or group who shall be responsible for
16 enforcement of the code of ethics, including maintenance of financial
17 disclosure statements, all of which shall be available for public inspection,
18 receipt of complaints alleging possible violations of the code of ethics,
19 issuance of opinions in response to inquiries relating to the code of ethics,
20 investigation of possible violations of the code of ethics, and imposition of
21 penalties provided in the code of ethics; **and**
- 22 **(e) Restrictions and limitations on lobbyists.**
- 23 (4) The code of ethics ordinance adopted by a city, county, or consolidated local
24 government may be amended but shall not be repealed.
- 25 (5) (a) Within twenty-one (21) days of the adoption of the code of ethics required by
26 this section, each city, county, or consolidated local government shall deliver
27 a copy of the ordinance by which the code was adopted and proof of

1 publication in accordance with KRS Chapter 424 to the Department for Local
2 Government. The Department for Local Government shall maintain the
3 ordinances as public records and shall maintain a list of city, county, or
4 consolidated local governments which have adopted a code of ethics and a list
5 of those which have not adopted a code of ethics.

6 (b) Within twenty-one (21) days of the amendment of a code of ethics required by
7 this section, each city, county, or consolidated local government shall:

8 1. Deliver a copy of the ordinance by which the code was amended and
9 proof of publication in accordance with KRS Chapter 424 to the
10 Department for Local Government, which shall maintain the amendment
11 with the ordinance by which the code was adopted; and

12 2. Deliver a copy of the ordinance by which the code was amended to the
13 governing body of each special purpose governmental entity that
14 follows that establishing entity's code of ethics pursuant to KRS
15 65A.070.

16 (c) For ordinances adopting or amending a code of ethics under this section, cities
17 of the first class and consolidated local governments shall comply with the
18 publication requirements of KRS 83A.060(9), notwithstanding the exception
19 contained in that statute.

20 (6) If a city, county, or consolidated local government fails to comply with the
21 requirements of this section, the Department for Local Government shall notify all
22 state agencies, including area development districts, which deliver services or
23 payments of money from the Commonwealth to the city, county, or consolidated
24 local government. Those agencies shall suspend delivery of all services or payments
25 to the city, county, or consolidated local government which fails to comply with the
26 requirements of this section. The Department for Local Government shall
27 immediately notify those same agencies when the city, county, or consolidated local

1 government is in compliance with the requirements of this section, and those
2 agencies shall reinstate the delivery of services or payments to the city, county, or
3 consolidated local government.

4 (7) Notwithstanding KRS 67C.103(14)(e), a simple majority of the legislative council
5 of a consolidated local government may delegate its authority to issue
6 administrative subpoenas for the attendance and testimony of witnesses and the
7 production of documents relevant to possible violations of the code of ethics to the
8 person or a majority of the group responsible for enforcement of a code of ethics.
9 Subpoenas shall be served in the same manner as subpoenas for witnesses in civil
10 cases. Compliance with the subpoenas shall be enforceable by the Circuit Court.
11 Any failure to obey an order of the court may be punished by the court as contempt
12 thereof.