

EXECUTIVE BRANCH ETHICS COMMISSION  
ADVISORY OPINION 94 - 2

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February 3, 1994

RE: Must Kentuckians for the Commonwealth, Inc. staff register as executive agency lobbyists?

DECISION: Yes, if attempting to influence expenditures or budgetary allocation of state funds.

This opinion is in response to your November 15, 1993, request for an advisory opinion from the Executive Branch Ethics Commission ("the Commission"). This matter was reviewed at the December 16, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You represent Kentuckians for the Commonwealth, Inc. ("KFTC"), a non-profit organization which occasionally lobbies executive branch personnel concerning legislative or regulatory proposals. KFTC attempts to influence legislation, regulations, or agency interpretations of statutes and regulations. KFTC is registered as a lobbyist with the Legislative Branch Ethics Commission. You have advised KFTC personnel that they do not need to register with the Executive Branch Ethics Commission, but are asking for an advisory opinion on this matter.

KRS 11A.201(7) and (8)(a) provide:

(7) "Executive agency decision" means a decision of an executive agency regarding the expenditure of funds of the state or of an executive agency with respect to the award of a contract, grant, lease, or other financial arrangement under which those funds are distributed or allocated;

(8) (a) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one (1) of his main purposes on a regular and substantial basis.

If KFTC's attempts to influence public policy involve decisions of executive branch officials regarding budgets or allocation of state funds, KFTC must register with the Commission as provided in Advisory Opinion 93-64 (a copy of which is enclosed).

The Commission believes KFTC is not required to register as an executive agency lobbyist or employer if it does not seek to affect the expenditure of state funds through contracts, grants, leases or other financial arrangements.