

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-38**

August 31, 1999

RE: Must the Executive Director of the Kentucky Wood Products Competitiveness Corporation register as an executive agency lobbyist?

DECISION: No.

This opinion is in response to your August 16, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the August 31, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Kentucky Wood Products Competitiveness Corporation (the "Corporation") is a political subdivision of the Commonwealth created under KRS 154.47-015. The purpose of the Corporation is to promote, enhance and develop the Commonwealth's secondary wood industries. The Corporation pursues its mission, in part, by regularly forming and assisting networks of manufacturers to compete for economic opportunities, a marketing activity specifically authorized by the governing statute. Included in those opportunities are purchases by agencies of the Commonwealth. In addition, the Corporation regularly shares training and equipment with the Workforce Development Cabinet to support area technology centers.

You are inquiring as to whether you need to register as an executive agency lobbyist. Although you regularly negotiate with state purchasing agencies, and you regularly advocate to the state on behalf of the Kentucky secondary wood industry, all activity is in your capacity as a representative of the Corporation. You do not believe that you are an executive agency lobbyist pursuant to KRS 11A.201(8)(b), provided below, because you are an employee of a political subdivision of the Commonwealth.

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

(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 substantial basis.

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(b) "Executive agency lobbyist" does not include an elected or appointed officer or employee of a federal or state agency, state college, state university, or political subdivision who attempts to influence or affect executive agency decisions in his fiduciary capacity as a representative of his agency, college, university, or political subdivision;

The Commission agrees that, because you are an employee of a political subdivision of the Commonwealth, you are exempted from the definition of executive agency lobbyist. Thus, even though you may be attempting to influence the actions of state agencies, you are not required to register as an executive agency lobbyist.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: CYNTHIA C. STONE  
VICE CHAIR