

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 42

August 23, 1993

RE: Lobbyist for hotel/motel industry seeks guidelines under new executive agency lobbying laws.

This letter is in response to your July 13, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the Commission"). This matter was reviewed at the August 23, 1993, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are a registered lobbyist for the hotel/motel industry during the legislative session. Your sales people meet with executive agencies to solicit business for the hotels you represent. As part of this process, your staff negotiates by providing group room rates and offering discounts. You have been advised that under the new ethics law you can no longer "lobby " for this business. You have been led to believe that these contracts must be bid, and offering discounts will be viewed as giving "something of value" to an executive agency. You would like some guidelines on how to advise the hotel/motel industry to do business with executive branch agencies under the executive agency lobbying law.

The executive agency lobbying laws enacted under Senate Bill 7 do not speak to the types of business which must be awarded by bid and place no restrictions on the offering of discounts by executive agency lobbyists. However, the law does require executive agency lobbyists to register with the Commission and report all expenditures made to or for the benefit of any executive branch employee. This requirement is detailed in Section 48 of Senate Bill 7. Advisory Opinion 93-34 (a copy of which is attached) also addresses issues on "executive agency lobbying." An executive branch lobbying handbook detailing registration instructions and forms will be available soon to assist with this requirement.