

INSTRUCTIONS
EBEC-EAL-204 5/2020
UPDATED REGISTRATION STATEMENT
EXECUTIVE AGENCY LOBBYIST/ EMPLOYER
“COMBINED”

When a lobbyist has only one employer and that employer has only one lobbyist, with the lobbyist listed as the “employer contact” on the Initial Registration Statement, the lobbyist and employer may alternately file an **Updated Registration Statement Lobbyist/Employer “COMBINED”** in lieu of filing two separate updated registration statements. The **“COMBINED”** form may only be used if neither the lobbyist nor the employer have expenses or financial transactions to report.

Only the lobbyists and employers who meet **all** of the following requirements may complete the **“COMBINED”** form:

- There is only **one** executive agency lobbyist registered to represent the employer.
- There is only **one** employer registered for the same lobbyist.
- The lobbyist that is registered is also listed as the employer contact for the employer.
- Both the employer and the lobbyist have no expenditures or financial transactions to report.

The **“COMBINED”** form is password protected. The lobbyist/employer will be provided the password only if meeting the requirements listed above.

INSTRUCTIONS

Type of Report

Indicate whether this is a regular, amended, or final statement. An amended statement is filed when a correction needs to be made after the reporting deadline. If an amended statement is filed, indicate which reporting year the statement is amending, and complete only those sections corrected by the amended filing. Final statements are filed when terminating a registration.

A. General Information

Items 1 & 2: Provide your full name; your executive agency lobbyist number; and the name of your employer. If applicable, update any changes in the lobbyist’s/employer’s name, mailing address, and other contact information.

Item 3: If you wish to terminate your registration with the employer listed on the form, check “No” and indicate the termination date.

B. Executive Agency Decisions

Item 1: List the specific executive agency decisions which you attempted to influence, on behalf of the employer during the reporting period and the specific agencies contacted. Examples of an executive agency decision to be listed: "contract for purchase of (commodity) by Kentucky Department of Corrections;" "Met

with officials of the Transportation Cabinet to discuss budget items for the State Road Fund”, “went before the Public Service Commission to request rate increase for XYZ Electric Utility”, etc.

Item 2: Since your *Initial Registration Statement* or most recent Updated Registration Statement, describe any additional types of executive agency decisions which relate to your engagement. For example, if your initial registration stated that you will be attempting to influence executive agency decisions related to "Contracts for Data Processing Services", but in addition, you will now be attempting to influence "Contracts for Purchase of Computer Hardware", report the latter.

Item 3: If applicable, add or delete from the list of executive branch agencies originally provided on the *Initial Registration Statement* or last Updated Registration Statement.

C. Compensation Disclosure

“Compensation” means, “any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another” KRS 11A.201(1). “Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement”. KRS 11A.211(3)

- You may receive compensation as an employee of the employer or as a contract lobbyist engaged by the employer. As such, you may perform other matters for the employer in addition to executive agency lobbying activity. Report the compensation paid to or received by you from the employer for conducting executive agency lobbying during the reporting period. It may be a pro-rated amount based on the percentage of time dedicated to executive agency lobbying or it may be a flat fee specifically dedicated to executive agency lobbying. The amount paid or received must include the interval of payment – “\$3,000 per year/reporting period” \$500 per month”.
- You remained “registered and active” for your employer during the referenced reporting period but you **did not** conduct **any** executive agency lobbying activity on behalf of your employer during said reporting period. Your answer for the compensation disclosure would be “0” even though you received compensation for matters other than executive agency lobbying activity.
- You are an “in house” employee registered on behalf of your employer as an executive agency lobbyist whose sole purpose is to conduct government relations activity for the employer. You report compensation received or paid by the employer during the reporting period for **executive agency lobbying activity** in Kentucky. The amount paid or received must include the interval of payment – “\$3,000 per year/reporting period” \$500 per month”.

D. Registration Fee

Each employer of one or more executive agency lobbyists is required to pay a registration fee of \$500.00 with the filing of the *Updated Registration Statement*, *COMBINED* whether the employer is submitting a regular or final report. KRS 11A. 211(5). Payment may be made by credit card, check, or money order payable to the “**KENTUCKY STATE TREASURER**”. For accuracy in recording, it is preferred that payment accompany the filing of the updated registration statement. Failure to submit the \$500 registration fee will constitute a deficiency in the filing of an updated registration statement and will subject the employer to penalties outlined in KRS 11A.990(5)

Certification:

This section requires the signature of the executive agency lobbyist/employer contact and the date on which the statement was signed. The signing of the statement attests to the completeness and accuracy of the statement and that the employer and the lobbyist have complied with KRS 11A.236 which prohibits lobbying on a contingency basis:

11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents

(1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

You may complete the statement electronically by accessing the form from the Commission's website. The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, electronically by facsimile, email using the contact information below, or through an online system established by the Commission using the contact information at the top of the form.

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here"

Completed and signed statements are due at the end of each reporting year *ON OR BEFORE* July 31 on an annual basis. You will have July 1 – July 31 to complete and submit the statement and registration fee.

Executive Branch Ethics Commission
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