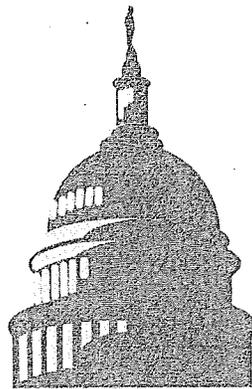


KENTUCKY LEGISLATIVE ETHICS COMMISSION

GUIDE TO THE
CODE OF ETHICS
of the
KENTUCKY GENERAL ASSEMBLY



July 2020
NINTH EDITION

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FOREWORD

The Kentucky Legislative Ethics Commission hopes you will find this Ninth Edition of the Guide to the Code of Ethics of the Kentucky General Assembly a valuable resource in understanding the comprehensive ethics legislation enacted in February 1993 and amended during the 1996, 2000, 2001, 2014, and 2020 Sessions.

The Commission's primary mission is to instill public confidence "in the integrity of its government and its public officials." In furtherance of that mission, this Guide has been compiled to help the public understand how the legislative ethics law works, and to inform those covered by the Code of Ethics what is required of them.

Since the publication of the first Guide to the Code of Ethics, the Commission has issued more than 175 formal opinions. Included in this Guide are an index and a summary of all of those opinions. Complete copies of these opinions may be obtained from the Commission website: <https://klec.ky.gov/> or by calling the Commission office (502) 573-2863.

Questions concerning the filing of any of the required forms or financial disclosure statements should be directed to the Commission office. All of the information contained in these reports is open to public inspection. Copies of all the required forms may be downloaded from the Commission website, which also outlines the Code of Ethics and includes other helpful information.

The Commission reaffirms its commitment to an "open door" policy and its willingness to provide assistance and guidance to the public, as well as to members of the General Assembly, legislative agents and their employers, and the media.

Anthony M. Wilhoit, Chair

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KENTUCKY CODE OF LEGISLATIVE ETHICS

KRS 6.601- 6.849

The following question-and-answer sections are provided to simplify certain major provisions of the Code. References are made to applicable statutory sections and to particular advisory opinions of the Commission. The exact wording of the Code (which is included in this manual) should be read in analyzing a specific situation. It is also recommended that the administrative regulations promulgated under the Code be read.

What is the purpose of the Code?

The Code states that the proper operation of democratic government requires that:

- ◆ A public official be independent and impartial;
- ◆ A public official not use public office to obtain private benefits;
- ◆ A public official avoid any action which creates the appearance of using public office to obtain a benefit;
- ◆ Government policy and decisions be made through the established processes of government; and
- ◆ The public have confidence in the integrity of its government and its public officials. (KRS 6.606)

What are some general provisions of the Code?

- ◆ The Code is intended to regulate conduct inside and outside the state. (KRS 6.621)
- ◆ Terms used in the Code are defined. (KRS 6.611)
- ◆ The terms "intentionally" and "knowingly" are defined for the Code. (KRS 6.616)
- ◆ The Code does not repeal or modify any existing criminal or penal laws of the state but shall be held and construed as ancillary and supplemental to those. Provisions of the Code designated as a misdemeanor or a felony may be adjudicated by the Commission as ethical misconduct. (KRS 6.631, KRS 6.632)

STANDARDS OF CONDUCT

What general standards of conduct are prescribed?

General standards of conduct are set forth in KRS 6.731. The standards relate to: misuse of a legislator's official influence, position, or office; use of public funds, time or personnel for private gain or partisan political activity; use of official legislative stationery or state seal for political campaigns; and intoxication while discharging the duties of office. Penalties are included in each subsection of KRS 6.731.

What specific conduct is prohibited in the Code?

Disclosure or Use of Confidential Information

A legislator is prohibited from intentionally disclosing or using officially acquired confidential information to further private economic interests. Information is deemed confidential if it is not subject to disclosure pursuant to the Kentucky Open Records Act at the time of its disclosure or use (Class D felony). For the complete statute, see KRS 6.734.

Contracts with State Agencies

Legislators or candidates, directly or through others, are prohibited from holding any state agency contract, agreement, sale or purchase of \$100 or more per transaction. Exceptions are:

- ◆ Contracts with businesses in which the legislator and spouse collectively own 5% or less interest;
- ◆ Contracts let after public notice and competitive bidding;
- ◆ Contracts available on similar terms to members of the legislator's business, occupation, or profession;
- ◆ Contracts existing at the time the legislator became a candidate. See OLEC 94-33.
(Class D felony and, upon conviction, possible voiding of the contract, agreement, sale, or purchase)

For a description of exceptions and the complete statute, see KRS 6.737.

Leases or Sales of Real Property

A legislator, his or her spouse, or business in which either has more than 5% interest is prohibited from intentionally selling or leasing real property to a state agency, with exceptions for eminent domain, and lease or sale for nominal consideration preapproved by the Commission (Class D felony and, upon conviction, possible voiding of the sale or lease). For the complete statute, see KRS 6.741. See also OLEC 96-3.

Conduct in Relation to State Agencies

1. A legislator, directly or through others, is prohibited from:
Using any means to influence a state agency in direct contravention of public interest (ethical misconduct). Absent an express threat of legislative reprisal, nothing in this subsection prevents a legislator from contacting a state agency on behalf of a person or constituent, to make a legislative inquiry, or to obtain information concerning legislative assistance. See KRS 6.744 (1), OLEC 93-4, 93-21, 93-25, and 95-1.
2. A legislator is prohibited from appearing before a state agency as an expert witness for compensation (ethical misconduct). See KRS 6.744 (2).
3. Specific cases are defined in which a properly licensed legislator may and may not represent a client before a state agency, or maintain an action against the state or a state agency, for compensation. For the complete guidelines, see KRS 6.744 (3) to (7).

4. A legislator whose partner practices cases the legislator is precluded from handling is required to report the names of clients and the state agencies in the statement of financial disclosure required by KRS 6.787. See KRS 6.744 (8) and OLEC 94-32.
5. A legislator is prohibited from agreeing to receive compensation contingent on an agency's action (ethical misconduct). See KRS 6.744 (9) and OLEC 02-03.

Honoraria and Out-of-State Travel

A legislator is prohibited from receiving compensation for an appearance, speech, or article unless it is both related to his or her outside employment and is unrelated to his or her position as legislator.

A legislator is permitted to accept the cost of transportation and actual expenses for out-of-state travel associated with legislative duties if the Legislative Research Commission (LRC) gives prior approval for the travel. However, a legislative agent (lobbyist) or employer shall not furnish out-of-state transportation or lodging for a legislator. Violation of this section is ethical misconduct. See the complete statute, KRS 6.747. See also OLEC 93-21, 93-26, and 95-9.

Acceptance of Additional Compensation or Gifts for Legislative Duties

A legislator is prohibited from knowingly accepting compensation, except lawful pay, for performing legislative duties (Class A misdemeanor). See OLEC 93-17.

A legislator or his or her spouse is prohibited from soliciting, accepting, or agreeing to accept anything of value from a legislative agent or an employer (Class B misdemeanor). The terms "anything of value," "legislative agent," and "employer" are defined in KRS 6.611. For the complete statute on these prohibitions, see KRS 6.751.

Nepotism

A member of a legislator's family (defined in KRS 6.611) is prohibited from being employed in or appointed to a position in the state legislative branch. Excluded is a family member who has been employed or appointed to a position prior to the legislator's election to the General Assembly or prior to February 18, 1993 (ethical misconduct).

A legislator is prohibited from advocating or causing a family member to be employed, appointed, promoted, transferred, or advanced to a position in the executive branch of government (ethical misconduct). See OLEC 93-56.

A legislator is prohibited from participating in any action concerning discipline of a family member in the legislative or executive branch (ethical misconduct). See KRS 6.754.

Post-term Lobbying

A legislator is prohibited from being a legislative agent during his or her term and for two years after he or she leaves office (ethical misconduct). See KRS 6.757.

Conflict of Interest

A legislator is prohibited from intentionally discussing a question in committee or on the floor, voting, or making a decision in his or her official capacity in a matter resulting in a direct monetary gain or loss to him, a family member, or business associate or relating to a business in which he or she has an interest of at least \$10,000 or 5% (Class D felony). Exceptions are defined in KRS 6.761 (1).

A legislator with a personal or private interest in a proposed or pending bill is required to refrain from voting and to disclose the interest in writing to the clerk or verbally in an announcement to the body (expulsion). See KRS 6.761 (2) and Section 57 of the Constitution of Kentucky.

The Code states that the right of legislators to represent their constituencies is of such importance that legislators should be barred from voting on matters of direct personal interest only in clear cases and if the matter is particularly personal. See KRS 6.761 (3), OLEC 93-61, 96-2 and 04-01.

Incompatible Offices

A legislator may pursue employment in the private sector and be compensated for that employment so long as it is unrelated to his or her position as a legislator. See OLEC 93-9, 93-37, 93-57, 94-6, and 98-3.

A legislator is prohibited from accepting appointment as a state officer or employee, except by a state university, community college, or local school board, until resigning his or her membership in the General Assembly (ethical misconduct). The State Treasurer is prohibited from paying any salary for the appointment until the presiding officer of the legislator's chamber has received the resignation. See Section 165 of the Constitution of Kentucky and KRS 6.764 (1) and (3).

A legislator is prohibited from accepting appointment as a member of a governing body of a special district that has the authority to levy taxes or to set rates until resigning his or her membership in the General Assembly (ethical misconduct). See KRS 6.764 (2), OLEC 95-7 and 97-1.

A legislator may serve on area development districts, or tourist and convention commissions. See OLEC 93-60, 02-02 and OAG 93-70.

Campaign Contributions from Legislative Agents, Employers, and PACs

A legislator, candidate for the General Assembly, or his or her campaign committee is prohibited from accepting a campaign contribution from a legislative agent (ethical misconduct). Circumstances deemed as a defense are set forth in KRS 6.767. See OLEC 98-2, 01-01 and 05-01.

A legislator, candidate, or campaign committee shall not, during a regular session of the General Assembly, accept a campaign contribution from an employer of a legislative agent or from a state-registered PAC (ethical misconduct). See KRS 6.767; OLEC 05-01.

A member of the General Assembly who is also a candidate for Congress may accept a contribution from a legislative agent for the Congressional campaign. See OLEC 95-15.

Solicitation of Charitable or Civic Contributions

A legislator or candidate is permitted to solicit contributions for charitable, civic, or educational entities provided the solicitations are broad-based and are not directed solely or primarily at legislative agents. See KRS 6.626; OLEC 98-1, 99-1 and 07-04.

What things of value may a legislator or his or her spouse accept from a legislative agent or an employer?

1. A certificate, plaque, or commemorative token of less than \$150 value;
2. Informational or promotional items of less than \$50 value (See OLEC 94-1);
3. A gift which is returned within 30 days or is donated to charity and not claimed on federal income tax returns, see OLEC 00-1;
4. The cost of attendance or participation, and of food and beverages consumed at certain events (*see the next question*). See KRS 6.611 (2) (b).

At what events may a legislator have food and beverages paid for by a lobbyist or employer of a lobbyist?

1. Events to which all Senate, House members, or both, are invited (see OLEC 93-10, 93-16);
2. Events to which all members of a joint committee or task force of the Senate and House are invited;
3. Events to which an LRC-approved caucus of legislators is invited;
4. Events sponsored or coordinated by a state or local government entity, including a state institution of higher education, provided that the cost is covered by the entity;
5. In-state events to which an individual legislator who has received LRC approval is invited;
6. Events sponsored or coordinated by multistate or national organizations of, or including, state governments, state legislatures, or state legislators if approved in advance by the LRC;
7. Events sponsored by or in conjunction with a civic, charitable, governmental, trade association, or community organization. See KRS 6.611 (2) (b) 8., 11., and 12, and OLEC 96-4.

FINANCIAL DISCLOSURE

Who is required to file a statement of financial disclosure?

Members of the General Assembly, candidates and nominees for election to the General Assembly, and major management personnel in the legislative branch, including the director, deputy directors, and assistant directors of the Legislative Research Commission. See KRS 6.781, and OLEC 93-22.

When and where are statements of financial disclosure to be filed?

Filers are required to file the statements with the Commission for the preceding calendar year by **February 15** each year, complete through December 31 of the preceding year. There are two exceptions: (1) A candidate for nomination or election to the General Assembly is required to file his

or her statement no later than 21 days after the filing deadline as set by the law or within 10 days of the filing deadline if it is a special election; and (2) An individual appointed to a major management position in the legislative branch, including the positions of director, deputy director, or assistant director of the Legislative Research Commission is required to file his or her initial statement no later than 21 days after the date of his or her appointment. See OLEC 95-3.

The Commission is authorized to grant a reasonable extension of time for good cause shown. See KRS 6.793.

What information is required to be disclosed?

Details of information to be disclosed are described in KRS 6.787 (2). See Appendix.

The statement is required to be filed on a form prescribed and provided by the Commission. Specific dollar amounts are not required to be disclosed. Names of clients or customers of business entities that are listed as sources of income in KRS 6.787 (2) (f) are not required to be disclosed. [KRS 6.787 (1), (3)] There is also no requirement to disclose: financial information concerning a spouse separated from the filer or former spouse, a gift or loan from a family member, a campaign contribution permitted and reported under KRS Chapter 121, or a gift or loan from a wholly-owned family business. See KRS 6.784.

Are the statements of financial disclosure open to the public?

Yes. Upon receipt by the Commission, the statements are public records available for copying and are posted on the Commission's website. See KRS 6.791.

How long are the statements retained by the Commission?

The statements are retained for five years in a form that facilitates document retention, including microfilming. There are two exceptions: (1) Statements of an individual who ceases to be a member of the General Assembly or who ceases to be an employee in a legislative major management position listed in KRS 6.781 are required to be destroyed by the Commission three years after the individual ceases to be a member or employee; and (2) Statements of a candidate for the General Assembly who was not elected or nominated are required to be destroyed by the Commission three years after the election at which the candidate was not elected or nominated. The exceptions do not apply to an individual who is otherwise required to file a statement. See KRS 6.791.

What are the penalties for deficient or false filings?

A person who fails to file the statement in a timely manner, completely, or in the form required by the Commission is notified by the Commission by certified mail specifying the type of failure or delinquency and advising the person of the penalties. See KRS 6.797. However, a filer who submits a statement within 10 days of the statutory deadline or the deadline authorized by the Commission shall be subject to no penalty. See KRS 6.794.

KRS 6.797 (2)(a) allows the Commission to levy administrative penalties for failing to file the required statement of financial disclosure without the necessity of a complaint, but only after notice has been given to the alleged violator to appear before the commission or otherwise offer evidence as he or she

may choose in mitigation of the imposition of the fine. A person who fails to file the statement or to remedy a deficiency identified by the Commission in the notice in a timely manner may be fined by the Commission an amount not to exceed \$100 per day up to a maximum total fine of \$1,000. See KRS 6.797.

A person who intentionally files a statement that he or she knows contains false information or omits required information is guilty of a Class A misdemeanor. See KRS 6.797.

There are many "ethics" statutes scattered throughout the KRS that apply to a broader audience that includes legislators, legislative agents, and employers. Two major areas occur in the Penal Code and in the Model Procurement Code. See the complete statutes elsewhere in this manual. The relevant sections are listed below:

PENAL CODE

KRS Chapter 521 - Bribery and Corrupt Influences

KRS 521.010 - Definitions.

KRS 521.020 - Bribery of a public servant.

KRS 521.030 - Soliciting unlawful compensation.

KRS 521.040 - Unlawful compensation for assistance in public matters.

KRS Chapter 522 - Abuse of Public Office

KRS 522.010 - Definitions.

KRS 522.020 - Official misconduct in the first degree.

KRS 522.030 - Official misconduct in the second degree.

KRS 522.040 - Misuse of confidential information.

MODEL PROCUREMENT CODE

KRS 45A.340 - Conflicts of interest of public officers and employees.

Listed below are selected sections of the Constitution of Kentucky relating to standards of conduct by legislators. The complete text is printed elsewhere in this manual. This list is not comprehensive.

CONSTITUTION OF KENTUCKY

Section 38 Each house to judge qualifications, elections, and returns of its members.

Section 39 Powers of each house as to rules and conduct of members - Contempt - Bribery.

Section 43 Privileges from arrest and from questioning as to speech or debate.

Section 44 Ineligibility of members to civil office created or given increased compensation during term.

Section 45 Collector of public money ineligible unless he or she has quietus.

Section 57 Member having personal interest to make disclosure and not vote.

Section 165 Incompatible offices and employments.

Section 237 Federal office incompatible with state office.

ADVISORY OPINIONS

Who may request an advisory opinion from the Commission?

- ◆ Any person covered by the legislative Code of Ethics;
- ◆ Any person personally and directly involved; or
- ◆ The Commission on its own initiative. See KRS 6.681.

How is a request for an advisory opinion submitted? Is it confidential?

The Code requires a request for an advisory opinion to be submitted to the Commission in writing, to state relevant facts, and ask specific questions. The request remains confidential unless confidentiality is waived in writing by the requestor. See KRS 6.681.

Advisory opinions are required to be published except that the opinions are to be modified to conceal the identity of any person associated with the opinions. See KRS 6.681.

May the confidentiality of an advisory opinion be waived?

The confidentiality of an advisory opinion may be waived either:

- ◆ In writing by the person who requested the opinion; or
- ◆ By majority vote of the Commission if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The Commission is permitted to vote to also make public the advisory opinion request and related materials. See KRS 6.681.

What is the effect of a written advisory opinion?

A written opinion issued by the Commission is binding on the Commission in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the Commission if they had existed at the time the opinion was rendered. However, the Commission is not bound by the opinion if any fact determined by the Commission to be material was omitted or misstated in the request for an opinion.

A written opinion is admissible in the defense of any criminal prosecution or civil proceeding for violations of this Code for actions taken in reliance on that opinion. See KRS 6.681.

Does the Commission issue informal advisory opinions?

Yes. If someone does not wish to request a formal advisory opinion, Commission and staff issue informal advisory opinions. These opinions are based on the Code and the relevant opinions of the Commission. Any informal opinion issued by staff does not necessarily bind nor reflect the opinion of the Commission.

ADMINISTRATIVE PENALTIES

During the 2000 Legislative Session, the Code of Ethics was amended to allow the Commission to levy administrative penalties without the filing of a formal complaint. This allows staff to monitor the filings of all statements required by the Code to ensure compliance with the filing deadlines. Failure to timely file required forms may result in the assessment of a monetary fine ranging anywhere from a minimum of \$50 up to the statutory maximum of \$1,000 per occurrence.

KRS 6.797 (2) (a), 6.807 (7), and 6.821 (7) allow the Commission to levy administrative penalties for failing to file the required initial and updated registration statements, and the statement of financial disclosure without the necessity of a complaint, but only after notice has been given to the alleged violator to appear before the commission or otherwise offer evidence as he or she may choose in mitigation of the imposition of the fine.

COMPLAINT PROCEDURES AND INVESTIGATIONS

Who may file a complaint?

- ◆ Any person; or
- ◆ A member of the Commission. See KRS 6.686.

What action is the Commission required to take after a complaint is filed?

Within 10 days, the Commission shall send a copy of the complaint to the alleged violator.

Within 10 days after the Commission receives the alleged violator's answer or if the 20-day answer period expires without the alleged violator filing an answer, the Commission shall initiate a preliminary inquiry. See KRS 6.686.

What constitutes a complaint?

1. A written statement;
2. Alleging a violation against one or more named persons;
3. Stating the essential facts constituting the violation charged;
4. Notarized and signed.

A complaint may be filed against a former legislator, a former lobbyist, or employer of a lobbyist within one (1) year of the date the legislator left office or the lobbyist or employer terminated registration. The one (1) year limitation does not apply if a complaint alleges a violation of KRS 6.757 (2 year prohibition against post-term lobbying by former legislator). See KRS 6.686.

Are Commission investigations confidential?

All proceedings and records relating to a preliminary investigation are confidential until a final determination is made by the Commission. There are two exceptions:

1. The Commission may turn over to prosecutors of appropriate jurisdiction (Attorney General, U. S. Attorney, Commonwealth's Attorney, or County Attorney) evidence which may be used in criminal proceedings; and
2. The Commission may publicly confirm the existence of an inquiry and provide any documents issued to either party, if a complainant or alleged violator publicly discloses the existence of a preliminary investigation. See KRS 6.686.

Is the person who is the subject of a complaint allowed to respond?

Yes. The Commission is required to afford the person an opportunity to respond. The person has 20 days from the date that a copy of the complaint was served on the alleged violator to respond to the Commission. The filing of an answer is not required. The person has the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint. See KRS 6.686.

What occurs if the Commission determines facts are insufficient to constitute a violation of the Code?

The inquiry is immediately terminated, and both the complainant and the alleged violator are notified in writing.

The Commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law.

If the alleged violator publicly discloses the existence of such action by the Commission, the Commission may confirm the action and, in its discretion, make public any documents that were issued to the alleged violator.

Dismissal of a complaint requires the affirmative vote of at least five (5) Commission members, at either a regularly scheduled meeting, or a teleconference meeting called upon the chair's oral or written notice to Commission members. See KRS 6.686.

What occurs if the Commission finds probable cause to believe that a violation has been committed?

1. The Commission is required to notify the alleged violator of the finding; and
2. The Commission is permitted, upon majority vote, to:
 - a. Confidentially reprimand the alleged violator in writing when there are mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the state, or lack of significant impact on public confidence in government. The Commission may provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves or to the violator's employer if the alleged violator is a legislative agent. The proceedings leading to a private reprimand and the reprimand itself shall remain confidential except if the alleged violator publicly discloses the existence of such an action, the Commission is permitted to confirm it and, in its discretion, make public any documents issued to the alleged violator; or
 - b. Initiate an adjudicatory proceeding to determine whether there has been a violation. See KRS 6.686.

Are there any penalties for filing false complaints?

Yes. Any person who knowingly files a false complaint regarding any legislator or other person is guilty of a Class A misdemeanor. See KRS 6.686.

ADJUDICATORY PROCEEDINGS

Are adjudicatory proceedings open to the public?

Yes, unless the members vote to go into executive session in accordance with KRS 61.810 (exceptions to open meetings).

What procedures are established for Commission adjudicatory hearings?

- ◆ The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence apply to all hearings.
- ◆ All testimony is required to be under oath.
- ◆ All parties have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of this state. Before testifying, all witnesses shall be given a copy of the regulations governing the proceedings.
- ◆ All witnesses are entitled to be represented by counsel.
- ◆ Any person whose name is mentioned during adjudicatory proceedings and who may be adversely affected by the proceedings is permitted to appear personally before the Commission, with or without an attorney, to give a statement in opposition to the adverse mention or file a written statement of that opposition for incorporation into the record of the proceeding. See KRS 6.691.

What is the timetable for the Commission's deliberations?

- ◆ Within 30 days after the adjudicatory proceeding, the Commission meets in executive session to review the evidence before it.
- ◆ Within 30 days after completion of deliberations, the Commission is required to publish a written report of its findings and conclusions. See KRS 6.691.

What action is the Commission permitted to take when it determines there has been a violation of the Code?

Notwithstanding the administrative penalties provided for in KRS 6.797, 6.807, and 6.821, upon finding that there has been clear and convincing proof of a violation, the Commission is permitted to:

1. Issue an order requiring the violator to cease the violation;
2. Issue an order requiring the violator to file any report, statement, or other information as required by the Code;
3. Publicly and in writing, reprimand the violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves;
4. In writing, recommend to the house in which the violator serves that the violator be sanctioned as recommended by the Commission, which may include a recommendation for censure or expulsion;

5. Issue an order requiring the violator to pay a civil penalty of not more than \$2,000; or
6. Revoke the registration of any legislative agent or employer for a period not to exceed five (5) years. See KRS 6.691. During the period of the revocation, the agent or employer or any other entity which constitutes nothing more than the legislative agent or employer operating under a different name or identity shall not be permitted to register as a legislative agent or employer.

What action is the Commission permitted to take for prosecution of criminal violations of this Code?

The Commission may refer evidence of criminal violations of this Code to the Attorney General, Commonwealth's Attorney, or county attorney of appropriate jurisdiction for prosecution. The Attorney General is directed to have responsibility for all prosecutions under the law and may request from the Commission all evidence collected in its investigation. See KRS 6.691.

If a provision of the Code is designated as a misdemeanor or a felony, an alleged violation of the provision may be adjudicated by the commission as ethical misconduct. See KRS 6.632.

May findings or determinations by the Commission be used in court?

No. Findings of fact or final determinations by the Commission that a violation of this Code has been committed shall not be admissible in criminal proceedings in Kentucky courts. However, evidence collected by the Commission may be used in a criminal proceeding if otherwise relevant. See KRS 6.691.

What procedures are established for final actions of the Commission to be appealed?

- ◆ Any person found by the Commission to have committed a violation of this Code may appeal the action to the Franklin Circuit Court.
- ◆ The appeal must be initiated by filing a petition with the court within 30 days after the date of the Commission's final action.
- ◆ The Commission is required to transmit to the court all evidence considered at the public hearing.
- ◆ The court is directed to hear the appeal upon the record as certified by the Commission. See KRS 6.691.

EFFECT OF FELONY CONVICTION ON STATE RETIREMENT BENEFITS

Does a felony conviction affect a legislator's state retirement benefits?

Yes. A legislator or former legislator convicted in any state or federal court of a felony relating to his or her legislative duties is required to forfeit benefits earned after September 16, 1993, in the state administered retirement plan to which contributions were made as a result of his or her legislative service, except for the return of his or her accumulated contributions with interest. See KRS 6.696.

Pending any appeal of the conviction, the payment of benefits ordered to be forfeited is required to be stayed. See KRS 6.696.

ETHICS EDUCATION AND TRAINING

What ethics education and training is provided by the Commission?

The Commission is required to establish and supervise a program of ethics education and training consisting of:

1. An ethics education manual;
2. Orientation courses for new legislators; and
3. Annual current issues seminars for all legislators and training for employees of the legislative branch of state government. See KRS 6.701, 6.706, 6.711, and 6.716.

What does the Commission provide concerning:

Ethics Education Manual?

- ◆ Guide to the Code of Ethics of the Kentucky General Assembly
- ◆ Quick Reference Brochure for Legislative Agents, Employers, and Legislators
- ◆ Updated Legislative Agent/Employer List

Orientation courses for legislators?

- ◆ Legislators are required to complete the initial orientation course offered under this Code. Permission to attend a later course may be granted by the Commission for good cause shown.
- ◆ Designed and administered by the Commission.
- ◆ Conducted in December of each even-numbered year.
- ◆ Required to be at least two hours in length; group participation portions may be closed to the public.
- ◆ Required to be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits required by the bar. See KRS 6.711.

Current Issues Seminars for legislators?

- ◆ After completion of an orientation course, legislators are required to complete one current issues seminar each year.
- ◆ Designed and administered by the Commission.
- ◆ Conducted in January of each year.
- ◆ Required to be at least two hours in length; group participation portions may be closed to the public.
- ◆ Required to be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits required by the bar. See KRS 6.716.

Training for legislative branch employees?

The Commission is required to assist the Legislative Research Commission in the development and presentation of a sexual and workplace harassment training course to be held at the beginning of each session of the General Assembly. See KRS 6.716, 7.101.

What ethics education and training is provided for legislative agents?

The Commission is directed to establish, supervise, and conduct a program of ethics education and training designed specifically for legislative agents and made available to them. See KRS. 6.701.

The Commission provides instruction in conjunction with LRC sponsored programs, provides instruction to groups upon request, and invites individual consultations.

The Commission has published several guides for distribution to legislative agents and their employers which are available to the public upon request.

LEGISLATIVE LOBBYING

What principles are declared regarding lobbying?

The General Assembly declared that:

1. The operation of open and responsible government requires that people be afforded the fullest opportunity to petition their government for the redress of grievances and to express freely their opinions on executive and legislative action.
2. The identity and expenditures of certain persons who attempt to influence executive and legislative actions should be publicly identified and regulated to preserve and maintain the integrity of government. See KRS 6.801.

Who is a legislative agent?

An individual who is engaged during at least a portion of his or her time to lobby as one of his or her official responsibilities or who is engaged in lobbying activities as a legislative liaison of an association, coalition, or public interest entity formed for the purpose of promoting or otherwise influencing legislation. [KRS 6.611 (23) (a)] "Engaged" means employed or retained for compensation to lobby. [KRS 6.611 (13)] "Compensation" means a salary or its equivalent. [KRS 6.611 (10)] "Lobby" means, generally, to promote or oppose legislation. See KRS 6.611 (27) for the full definition, with six important exceptions. See also, OLEC 93-38 and 93-70.

Who is not a legislative agent?

- ◆ Any person who limits lobbying to appearing before public meetings. See OLEC 93-48;
- ◆ A private citizen who receives no compensation for lobbying and who expresses a personal opinion. See OLEC 93-32; and
- ◆ A public servant acting in his or her fiduciary capacity, with exceptions specified by statute. See KRS 6.611 (23) (b), OLEC 93-50, 93-69, 94-9, and 94-27.

Who is an employer?

- ◆ Any person who engages a legislative agent. See KRS 6.611 (12), OLEC 93-52, and 94-31.

What prohibited actions apply to both legislative agents and employers?

- ◆ Knowingly failing to register as a legislative agent under KRS 6.807.
- ◆ Knowingly failing to keep a receipt or maintain a record that KRS 6.821 (*Statements of expenditures*) requires the person to keep or maintain.
- ◆ Knowingly failing to file a statement that KRS 6.807, 6.821, or 6.824 requires the person to file (*registration statements, statements of expenditures, or statements of financial transactions*).
- ◆ Knowingly offering, giving, or agreeing to give anything of value to a legislator or candidate for the legislature, or the spouse or child of a legislator or candidate for the legislature (ethical misconduct for the first violation; Class D felony for subsequent violations). ("Anything of value" is defined in KRS 6.611) See OLEC 93-17, 93-21, 93-36, 93-42, 93-49, 94-10, and 94-19.

What prohibited actions apply only to legislative agents?

Serving as a campaign treasurer, and directly soliciting, controlling, or delivering a campaign contribution for a candidate or legislator (ethical misconduct for the first violation; Class D felony for subsequent violations). See KRS 6.811 (5).

Making a campaign contribution to a legislator, a candidate, or his or her campaign committee (ethical misconduct for the first violation; Class D felony for subsequent violations). See KRS 6.811(6) and OLEC 93-44, 93-54, 93-64, 94-41, 95-14, 95-15, 01-01, and 05-01.

Going upon the floor of either the Senate or the House of Representatives while the house is in session, except upon invitation of that house (Class B misdemeanor). See KRS 6.811 (10).

Accepting any engagement to lobby in exchange for compensation that is contingent in any way upon the passage, modification, or defeat of any legislation (Class D felony). See KRS 6.811 (9).

What prohibited actions apply only to employers of legislative agents?

Making a campaign contribution to a legislator, candidate, campaign committee, or caucus campaign committee during a regular session of the General Assembly. See KRS 6.811 (7).

Knowingly employing, appointing, or retaining a serving or former legislator as a legislative agent until two years after he or she vacates the office (ethical misconduct for the first violation; Class D felony for subsequent violations). See KRS 6.811 (8).

Engaging any person to lobby in exchange for compensation that is contingent upon the passage, modification, or defeat of any legislation (Class D felony). See KRS 6.811 (9).

REGISTRATION

When are legislative agents and employers required to file an initial registration? Is there a fee?

Each legislative agent and employer is required to register with the Commission within seven (7) days following engagement of a legislative agent. See KRS 6.807.

Each employer of one or more legislative agents is required to pay a registration fee of \$250 to the Commission. See KRS 6.809.

Intentional failure to register is a Class D felony. See KRS 6.807 (8).

How long is the registration valid? Is any proof of registration issued?

Through the thirty-first day of December of an odd-numbered year, unless previously terminated. See KRS 6.807.

Upon registering, the legislative agent is issued a card by the Commission, showing that he or she is registered. See KRS 6.807.

What information is required on the initial registration statement?

See KRS 6.807(1) for the listed information. See Appendix.

Does a legislative agent who represents more than one employer have to register separately for each employer?

Yes. If a legislative agent is engaged by more than one employer, the agent is required to file a separate initial registration for each engagement. See KRS 6.807.

What additional information is required to be filed?

Each legislative agent and employer is also required to file an updated registration statement containing a statement of expenditures as required by KRS 6.821. Also if applicable, a statement of financial transactions as required by KRS 6.824. See KRS 6.807 (3) and KRS 6.821 (1).

The employer who engages more than one legislative agent is required to file only one updated registration statement containing the information required regarding all legislative agents engaged by the employer. See KRS 6.807 (4).

When must the updated registration statements be filed? What is the reporting period?

The reporting periods and due dates are as follows:

<u>Reporting Period:</u>	<u>Due:</u>
January 1 - 31	February 15th
February 1 - 28	March 15th
March 1 - 31	April 15th
April 1 - 30	May 15th
May 1 - August 31	September 15th
Sept. 1 - December 31	January 15th

For the purpose of assessing administrative penalties, the Commission considers updated registration statements timely if filed online, postmarked or faxed by the due date listed on the form.

The Commission is permitted to grant a reasonable extension of time, for good cause shown, for filing the updated registration statement. See KRS 6.807. If you would like to fax your report, our fax number is (502) 573-2929. Please do not mail if you fax the form.

What information is required in the updated registration statement?

1. Confirmation of the continuing existence of each engagement described in an initial registration statement;
2. List of specific bills or resolutions on which the agent lobbied under that engagement;
3. Any statement of expenditures or financial transactions required to be filed under KRS 6.821 and KRS 6.824 (excluding "short form");
4. A change in any information previously provided in the initial registration statement. See KRS 6.807 (3) (b), (5), OLEC 94-5, and 94-14. See Appendix.

Does notice of termination of a legislative agent have to be provided to the Commission?

Yes. Within 30 days after the termination of an engagement, the legislative agent who was employed under the engagement is required to file written notice of the termination with the Commission. See KRS 6.807 (5) (b). See Appendix.

What does the Commission do with copies of registration statements?

The Commission reviews registrations for compliance; notifies persons regarding failure to file or deficiencies in filing; retains and computerizes the registrations for easy public accessibility; makes copies available to the public; and publishes an annual report containing statistical information on registration statements filed during the preceding year. See KRS 6.829.

What penalties apply to initial registration statements and updated registration statements?

Intentional failure to register by any legislative agent or employer is a Class D felony. See KRS 6.807 (8).

Late filing of an initial registration statement, updated registration statement, or failure to timely remedy a filing deficiency may result in a fine by the Commission not to exceed \$100 per day, up to a total maximum fine of \$1,000.

KRS 6.807 (7) and 6.821 (7) allow the Commission to levy administrative penalties for failing to file the required initial and updated registration statements in KRS 6.807 and KRS 6.821, without the necessity of a complaint, but only after notice has been given to the alleged violator to appear before the commission or otherwise offer evidence as he or she may choose in mitigation of the imposition of the fine.

STATEMENT OF EXPENDITURES

Who is required to file a statement of expenditures? When? With Whom?

Each legislative agent and each employer is required to file with the Commission a statement of expenditures with the updated registration statement at the times specified in KRS 6.807. See KRS 6.821 (1) and (5); KRS 6.807 (3) (b) and OLEC 94-5.

The statement covers expenditures made during the period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed. See KRS 6.821 (5) (a).

The legislative agent is required to file a separate statement of expenditures for each employer engaging him. See KRS 6.821.

The employer who is also registered as a legislative agent is only required to file an employer's updated registration statement and is not required to file a separate legislative agent form.

What information is required in the statement of expenditures?

Legislative agents and employers are required to report expenditures for meals and beverages for individual legislators and their immediate family members by name of recipient, amount, description, and approximate date of expenditure. For specific details of that information, see KRS 6.821 (2). If it is impossible or impractical for a legislative agent or employer to determine exact dollar amounts or values of expenditures, reporting of good faith estimates, based upon reasonable accounting procedures, constitutes compliance with KRS 6.821 (5). See KRS 6.821 (5) (b), (c), and (d). A copy of the statement of expenditures must be delivered to the official with whom or for whose benefit the transaction was made at least 10 days before the date on which the statement is filed with the Commission. See KRS 6.827 (1).

In addition to that information, a legislative agent is required to show the total amount of lobbying expenditures he or she made during the statement's reporting period. He or she is also required to show cumulative amounts he or she expended for food, beverages, lodging, transportation, entertainment, and other expenses directly associated with his or her lobbying activities. Personal expenses are excepted. See KRS 6.821 (3).

In addition to the general information required in KRS 6.821 (2), an employer is required to list certain detailed information listed in KRS 6.821 (4) (a). No employer is required to show any expenditure that is reported on an expenditure statement filed by one of his or her legislative agents. Likewise, no legislative agent is required to show any expenditure that is reported on an expenditure statement filed by his or her employer(s). See KRS 6.821 (4) (b).

Is an updated registration statement required to be filed if no money has been spent on lobbying during a particular reporting period?

Yes. However, the Commission allows a legislative agent who has expended no sums for lobbying activities during a reporting period and a legislative employer who has expended no sums for lobbying activities other than legislative agent compensation to file a "Short Form."

The legislative agent and employer must not have engaged in a financial transaction during the reporting period in order to file the "Short Form." See Appendix.

See Administrative Regulation 2 KAR 2:040 for detailed reporting requirements.

How long must legislative agents and employers retain and maintain records?

Legislative agents and employers are required to retain receipts or maintain records for all reportable expenditures until December 31 of the second calendar year after the year in which the expenditure was made. See KRS 6.821 (6).

What does the Commission do with expenditure statements?

The Commission reviews the statements for compliance; notifies persons regarding failure to file or deficiencies in filing; retains and computerizes the statements for easy public accessibility; and makes copies available to the public. See KRS 6.829.

What penalties apply to statements of expenditures?

Intentionally filing false information or omitting required information is a Class D felony. See KRS 6.821 (8).

Failure to file a required statement or to remedy any deficiency in a filing in a timely manner may result in a fine by the Commission not to exceed \$100 per day, up to a maximum total fine of \$1,000. See KRS 6.821 (7).

An employer or legislative agent who files a false statement of expenditures is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement. See KRS 6.827 (3).

STATEMENTS OF FINANCIAL TRANSACTIONS

Who is required to file a statement of financial transactions? When? With Whom?

- ◆ Any legislative agent or any employer who has had a financial transaction with or for the benefit of any member of the General Assembly, Governor, secretary of a cabinet, or any member of the staff of those officials is required to file the details of the transaction with the Commission. See KRS 6.824, OLEC 94-12, and 99-2.
- ◆ The statements must be filed with the updated registration statements at the times specified for those in KRS 6.807 (3). See KRS 6.824 and KRS 6.807 (3) (b).
- ◆ A copy of the financial transaction statement must also be delivered to the official with whom or for whose benefit the transaction was made at least 10 days before the date on which the statement is filed with the Commission. See KRS 6.827 (1).

What is the definition of a financial transaction?

A financial transaction is a transaction or activity conducted or undertaken for profit and arising from the joint ownership, ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between a legislative agent, his or her employer, or a member of their immediate families and a member of the General Assembly, the Governor, the secretary of a cabinet, or any member of the staff of those officials.

A financial transaction that is available to the general public on the same terms is not included in the definition. See KRS 6.611 (18) and OLEC 99-2.

What information is required in the statement of financial transactions?

- ◆ A description of the details of each transaction including:
 - The name of the official or employee;
 - Purpose and nature of the transaction;
 - Date it was made or entered into. See KRS 6.824 (1), (2).
- ◆ The statement covers each transaction that occurred during the filing period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed. See KRS 6.824 (1), (2).
- ◆ No employer is required to file a statement or deliver a copy of the statement to the appropriate involved official if the transaction is reported by the employer's legislative agent. See KRS 6.824 (3).

What does the Commission do with statements of financial transactions?

The Commission reviews the statements for compliance; notifies persons regarding failure to file or deficiencies in filing; retains and computerizes the statements for easy public accessibility; and makes copies available to the public. See KRS 6.829.

What penalties apply to statements of financial transactions?

Intentional filing of false information or omitting of required information is a Class D felony.

Failure to file a statement or to remedy any deficiency in a filing in a timely manner may result in a fine by the Commission not to exceed \$100 per day up to a maximum total fine of \$1,000. See KRS 6.824 (4), (5).

An employer or legislative agent who files a false statement of details of a financial transaction is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement. See KRS 6.927 (3).

DISPUTE RESOLUTION REGARDING STATEMENTS OF EXPENDITURES AND FINANCIAL TRANSACTIONS

What provisions are established to resolve any disputes between parties regarding statements of expenditures and financial transactions?

If a dispute arises between any member of the General Assembly or its staff and an employer or legislative agent regarding an expenditure or financial transaction alleged in a statement, the member, employer or legislative agent may file a complaint with the Commission.

The Commission then investigates the complaint and notifies the parties of its final decision by certified mail.

If the final decision requires the disputed expenditure or financial transaction to be reported, the employer or legislative agent includes the matter in an amended statement no later than 10 days after notice of the final decision is received by certified mail. See KRS 6.827 (2).

PENALTIES

The Kentucky Penal Code creates the following offense classifications:

Classification	Penalty
Class D felony	1-5 years imprisonment; fines of \$1,000 to \$10,000, or double the gain from the commission of the offense and up to \$20,000 for corporations
Class A Misdemeanor	Up to 12 months imprisonment and/or fine up to \$500, and up to \$10,000 for corporations
Class B Misdemeanor	Up to 90 days imprisonment and/or fine up to \$250, and up to \$5,000 for corporations
Violation	Defined as "any offense defined outside this Code for which a law outside this Code provides a sentence to a fine only or to any other punishment, whether in combination with a fine or not, other than death or imprisonment" The fine for a violation is set at \$250, and up to \$500 for a corporation.

(KRS 532.020, 532.030, 532.060, 532.090, 534.040, and 534.050)

KENTUCKY LEGISLATIVE ETHICS COMMISSION

INFORMATIONAL BULLETIN

JUNE 13, 2001

GUIDELINES

A number of members of the General Assembly have asked the Commission to formulate guidelines to help them to determine when a mailing sent out by them at public expense, either through the US Mail or electronically, might be considered to be a violation of KRS 6.731(5). That statute states a general principle and does not contain any specific rules to be followed in mailings sent out at public expense. It provides that a legislator by himself or through others shall not intentionally:

- (5) Use public funds, time, or personnel for partisan political campaign activity, unless the use is:
 - (a) Authorized by law; or
 - (b) Properly incidental to another activity required or authorized by law, such as elections to constitutional or party offices within the General Assembly. Violation of this subsection is a Class A misdemeanor;

Funds and facilities have been made available so that legislators may communicate at public expense with constituents or other citizens about legislative matters. The need for an informed citizenry in a democracy cannot be questioned. However, it can happen that a communication between a legislator and constituents or other citizens can take on the appearance of a communication intended to be more of "partisan political campaign activity" than simply informational about legislative matters and the activities and positions of the legislator. While the latter may appropriately be sent out with public funds, the former should be sent out with campaign funds.

We recognize that there can be a fine line between what might appear to be partisan and political and what is nothing more than informing constituents on legislative matters. Nevertheless, we are charged with drawing that line, as is each legislator, and in order to help legislators in doing so, we offer these guidelines.

In determining whether a mailing crosses the line between one which may be paid for with public funds and one which should be paid for with campaign funds, we believe that under the statute the issue to be resolved is whether the mailing appears to be intended to influence the outcome of an election or to raise funds for an election campaign. If so, then it constitutes "partisan political campaign activity."

In resolving this issue, we will look at the content of the mailing, the extent of its dissemination, and the timing of its dissemination. Some questions to be considered with respect to each of these factors are:

1) Content - Does the mailing contain only factual information, or does it contain language by the sender or another which is personally laudatory of the sender or laudatory or condemnatory of a political party or its members as such? Does the communication contain information about endorsements of the sender by various groups as opposed to merely reporting his or her legislative activity?

2) The Mailing - Is the mailing an individual letter to an individual constituent or other person who has contacted the legislator regarding the subject matter of the letter, or is it an unsolicited mailing to a large group of people whose names have been taken from

voting lists or from membership lists of organizations which might be expected to support the sender with votes or campaign donations? Of course, a "newsletter" or report to a large number of constituents expressing a legislator's views on legislative issues, his or her legislative actions or those of the legislature in general, would not, per se, be violative of the Code but would be scrutinized as to timing and content.

3) Timing - Did the mailing, particularly one sent to a large number of people, go out at a time close to an election at which the sender will be a candidate? If such a mailing is made within 60 days of an election, depending upon the particular circumstances of the case, and the content of the mailing, it would certainly be suspect as intended to influence the election even if the election itself were never mentioned.

Each case must, of course, be judged upon its own facts, but it is hoped that these brief guidelines may assist legislators and their staffs in avoiding the preparation and dissemination at public expense of mailings which appear to violate the statute.

KRS 6.601 to 6.849

KENTUCKY CODE OF LEGISLATIVE ETHICS

General Provisions

- 6.601 Short title for KRS 6.601 to 6.849.
- 6.606 Purpose of Code.
- 6.611 Definitions for Code.
- 6.616 Definitions of "intentionally" and "knowingly".
- 6.621 Extraterritorial application.
- 6.626 Construction of Code with respect to charitable solicitations, employment of spouses of legislators, and continuing employment as legislative agents of certain spouses of legislators.
- 6.631 Construction of Code with respect to criminal or penal laws.
- 6.632 Misdemeanor or felony violation of KRS 6.601 to 6.849 may be adjudicated as ethical misconduct.

Kentucky Legislative Ethics Commission

- 6.651 Establishment of Kentucky Legislative Ethics Commission -- Membership -- Terms.
- 6.656 Chair and vice chair -- Meetings -- Compensation of members.
- 6.661 Executive director -- Staff.
- 6.666 Powers of commission -- Authority to promulgate administrative regulations -- Lists of legislative agents -- Trust and agency account.

Oversight of Legislative Ethics

- 6.681 Advisory opinions.
- 6.686 Complaint procedure -- Preliminary investigations -- Penalty for false complaint of misconduct.
- 6.691 Adjudicatory proceedings -- Action by commission -- Appeal.
- 6.696 Effect of felony conviction on state retirement benefits.

Legislative Ethics Education

- 6.701 Program of ethics education and training for legislators and legislative employees -- Program of ethics education and training for legislative agents.
- 6.706 Ethics education manual for legislators.
- 6.711 Orientation courses for legislators.
- 6.716 Current issues seminars for legislators and legislative employees.

Conduct of Legislators

- 6.731 General standards of conduct -- Penalties.

- 6.734 Prohibition against disclosure or use of confidential information -- Penalty.
- 6.737 Prohibition against certain contracts with state agency -- Penalty.
- 6.741 Prohibition against certain leases or sales of real property with state agency -- Penalty.
- 6.744 Prohibitions against influencing state agency and appearing as a paid expert witness before state agency -- Restriction of representation of clients before state agency or in court -- Penalties.
- 6.747 Prohibition against honoraria -- Authorization for certain out-of-state travel -- Penalty.
- 6.751 Prohibition against acceptance of additional compensation or gifts for performance of legislative duties -- Penalties.
- 6.754 Prohibition against employment of and certain other conduct relating to members of a legislator's family -- Exception -- Penalty.
- 6.757 Restriction on former legislator becoming a legislative agent -- Prohibition against legislator being a legislative agent -- Penalty.
- 6.761 Conflict of interest provisions -- Penalty.
- 6.764 Offices incompatible with being a legislator -- Exception -- Penalties.
- 6.767 Prohibitions against acceptance of campaign contributions from legislative agents at any time and from employers of legislative agents or permanent committees during regular sessions -- Penalties -- Defenses.

Financial Disclosure

- 6.781 Individuals required to file statements of financial interests.
- 6.784 Exceptions to financial disclosure requirements.
- 6.787 Statements of financial disclosure -- Form -- Contents.
- 6.791 Public record status of statements of financial disclosure -- Retention requirements for commission.
- 6.793 Time schedule for filing statements of financial interests.
- 6.794 Ten-day grace period for filing of statements of financial interests.
- 6.797 Notice of filing deficiency -- Penalties for deficient or false filing.

Legislative Lobbying

- 6.801 Legislative findings and declarations relating to legislative lobbying.
- 6.807 Registration statements for legislative agents -- Penalties.
- 6.809 Registration fee -- Trust and agency account.
- 6.811 Prohibitions against certain conduct by legislative agents and their employers -- Penalties.
- 6.821 Statements of expenditures -- Penalties.
- 6.824 Statements of financial transactions -- Penalties.
- 6.827 Dispute resolution with respect to statements of expenditures and statements of financial transactions -- Civil liability for false information.
- 6.829 Commission's duties with respect to legislative lobbying.
- 6.849 [Number not yet utilized.]

SELECTED STATUTES FROM OTHER KRS CHAPTERS

- 45A.340 Conflicts of interest of public officers and employees.
- 521.020 Bribery of public servant.
- 521.030 Soliciting unlawful compensation.
- 521.040 Unlawful compensation for assistance in public matters.
- 522.010 Definitions.
- 522.020 Official misconduct in the first degree.
- 522.030 Official misconduct in the second degree.
- 522.040 Misuse of confidential information.

SELECTED SECTIONS FROM THE CONSTITUTION OF KENTUCKY

- Section 38 Each House to judge qualifications, elections, and returns of its members - Contests.
- Section 39 Powers of each House as to rules and conduct of members - Contempt - Bribery.
- Section 43 Privileges from arrest and from questioning as to speech or debate.
- Section 44 Ineligibility of members to civil office created or given increased compensation during term.
- Section 45 Collector of public money ineligible unless he has quietus.
- Section 57 Member having personal interest to make disclosure and not vote.
- Section 165 Incompatible offices and employments.
- Section 237 Federal office incompatible with State office.

KRS 6.601 to 6.849
Kentucky Code of Legislative Ethics

General Provisions

6.601 Short title for KRS 6.601 to 6.849.

KRS 6.601 to 6.849 may be cited as the "Kentucky Code of Legislative Ethics."

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 1, effective September 16, 1993.

6.606 Purpose of code.

The proper operation of democratic government requires that a public official be independent and impartial; that government policy and decisions be made through the established processes of government; that a public official not use public office to obtain private benefits; that a public official avoid action which creates the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its government and public officials.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 2, effective September 16, 1993.

6.611 Definitions for code.

As used in this code, unless the context requires otherwise:

- (1) "Adversarial proceeding" means a proceeding in which decisions are made based upon evidence presented as measured against established standards, with parties having the right to appeal the decision on the record to a court;
- (2) (a) "Anything of value" includes the following:
 1. A pecuniary item, including money, or a bank bill or note;
 2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
 3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
 4. A stock, bond, note, or other investment interest in an entity;
 5. A receipt given for the payment of

money or other property;

6. A right in action;
 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
 8. A loan or forgiveness of indebtedness;
 9. A work of art, antique, or collectible;
 10. An automobile or other means of personal transportation;
 11. Real property or an interest in real property, including title to realty; a fee simple or partial interest, present or future, contingent or vested, within realty; a leasehold interest; or other beneficial interest in realty;
 12. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a legislator;
 13. A promise or offer of employment; or
 14. Any other thing of value that is pecuniary or compensatory in value to a person, or the primary significance of which is economic gain.
- (b) "Anything of value" does not include:
1. A campaign contribution properly received and reported, if reportable, as required under KRS Chapter 121;
 2. Compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a legislator by the legislator's private employer or by a person other than a legislative agent or employer;
 3. A usual and customary commercial loan made in the ordinary course of business, without regard to the recipient's status as a legislator, and by a person or institution authorized by law to engage in the business of making loans;
 4. A certificate, plaque, or commemorative token of less than one hundred fifty dollars (\$150) value;
 5. Promotional items of less than fifty dollars (\$50);
 6. Educational items;
 7. Informational items;
 8. The cost of attendance or

participation, and of food and beverages consumed, at events:

- a. To which all members of the Kentucky Senate or the Kentucky House of Representatives, or both, are invited;
 - b. To which all members of a joint committee or task force of the Kentucky Senate and the Kentucky House of Representatives are invited;
 - c. To which a caucus of legislators approved as a caucus by the Legislative Research Commission is invited;
 - d. Sponsored or coordinated by a state or local government entity, including a state institution of higher education, provided that the cost thereof is covered by the state or local government entity or state institution of higher education; or
 - e. To which an individual legislator is invited that are held in-state, and for which the legislator receives prior approval from a majority of the Legislative Research Commission;
9. Gifts from a person related by blood or marriage or a member of the legislator's household;
10. A gift that:
- a. Is not used; and
 - b. No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
11. The cost, paid, reimbursed, raised, or obtained by the Legislative Research Commission, for attendance or participation, and for food and beverages consumed at, and funds, goods, and services provided for conducting events sponsored or coordinated by multistate or national organizations of, or including, state governments, state legislatures, or state legislators if the attendance and

expenditures are approved in advance by the Legislative Research Commission;

12. The cost of attendance or participation provided by the sponsoring entity, of lodging, and of food and beverages consumed, at in-state events sponsored by or in conjunction with a civic, charitable, governmental, trade association, or community organization;
 13. A gift or gifts from one member of the General Assembly to another member of the General Assembly;
 14. Anything for which the recipient pays or gives full value; or
 15. Any service spontaneously extended to a legislator in an emergency situation;
- (3) "Associated," if used with reference to an organization, includes an organization in which an individual or a member of the individual's family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, an interest of ten thousand dollars (\$10,000) or more, or an interest of five percent (5%) or more of the outstanding equity;
- (4) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit;
- (5) "Business associate" includes the following:
- (a) A private employer;
 - (b) A general or limited partnership, or a general or limited partner within the partnership;
 - (c) A corporation that is family-owned or in which all shares of stock are closely held, and the shareholders, owners, and officers of such a corporation;
 - (d) A corporation in which the legislator or other person subject to this code has an investment interest, owns, or has a beneficial interest in shares of stock which constitute more than:
 1. Five percent (5%) of the value of the corporation; or
 2. Ten thousand dollars (\$10,000) at fair market value;
 - (e) A corporation, business association, or other

- business entity in which the legislator or other person subject to this code serves as an agent or a compensated representative;
- (6) "Candidate" means an individual who seeks nomination or election to the General Assembly. An individual is a candidate when the individual:
- (a) Files a notification and declaration for nomination for office with the Secretary of State; or
 - (b) Is nominated for office by his or her party under KRS 118.105, 118.115, 118.325, or 118.760;
- (7) "Charitable organization" means an organization described in 26 U.S.C. Sec. 170(c) as it currently exists or as it may be amended;
- (8) "Child" means the unemancipated minor daughter, son, stepdaughter, or stepson;
- (9) "Commission" means the Kentucky Legislative Ethics Commission;
- (10) (a) "Compensation" means:
1. An advance, salary, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money; or
 2. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money for services rendered or to be rendered.
- (b) "Compensation" does not include reimbursement of expenses if:
1. The reimbursement is equal to, or less than, the amount paid for the expenses;
 2. Expense records are itemized; and
 3. No portion of the reimbursed expense is used to give anything of value to a legislator, candidate, or the spouse of a legislator or candidate;
- (11) "Economic interest" means an interest distinct from that of the general public in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a legislator may gain an economic benefit of fifty dollars (\$50) or more;
- (12) "Employer" means any person who engages a legislative agent and in the case of a business other than a sole proprietorship or self-employed individual, it means the business entity, and not an individual officer, director, or employee thereof, except when an officer, director, or employee makes an expenditure for which he or she is reimbursed by the business entity;
- (13) "Engage" means to make any arrangement, and "engagement" means any arrangement, by which an individual is employed or retained for compensation to act for or on behalf of an employer to lobby;
- (14) "Ethical misconduct" means any violation of the Kentucky Code of Legislative Ethics;
- (15) (a) "Expenditure" means any of the following that is made to, at the request of, for the benefit of, or on behalf of any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of those officials:
1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
 2. A contract, promise, or agreement, to make an expenditure; or
 3. The purchase, sale, or gift of services or any other thing of value.
- (b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection;
- (16) "Family member" means a person:
- (a) Who is the spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild of an individual; or
 - (b) Who is a member of the individual's household, and is dependent upon the individual;
- (17) "Filer" means an individual who is required to file a statement of financial interests pursuant to KRS 6.781;
- (18) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of

whatever form or nature between the following:

1. A legislative agent, his or her employer, or a member of the immediate family of the legislative agent or his or her employer; and
 2. Any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this subparagraph.
- (b) "Financial transaction" does not include any transaction or activity:
1. Described in paragraph (a) of this subsection if it is available to the general public on the same or similar terms and conditions; or
 2. Made or let after public notice and competitive bidding or contracts that are available on similar terms to other members of the general public.
- (19) "Former legislator" means a person who previously held a position as a legislator and who no longer holds that position;
- (20) "Immediate family" means an unemancipated child residing in an individual's household, a spouse of an individual, or a person claimed by the individual as a dependent for tax purposes;
- (21) "In-state" means within the borders of Kentucky or outside Kentucky in a county that is contiguous with the border of Kentucky;
- (22) "Legislation" means bills, resolutions, amendments, nominations, administrative regulations, and any other matter pending before the General Assembly or any of its interim or statutory committees, or the executive approval or veto of any bill acted upon by the General Assembly;
- (23) (a) "Legislative agent" means any individual who is engaged:
1. during at least a portion of his or her time to lobby as one (1) of his or her official responsibilities; or
 2. In lobbying activities as a legislative liaison of an association, coalition, or public interest entity formed for the purpose of promoting or otherwise influencing legislation.
- (b) "Legislative agent" does not include:
1. Any person who limits his or her lobbying activities to appearing before public meetings of legislative committees, subcommittees, or task forces, or public hearings or meetings of public agencies;
 2. A private citizen who receives no compensation for lobbying and who expresses a personal opinion; or
 3. A public servant acting in his or her fiduciary capacity as a representative of his or her agency, college, university, or city, county, urban-county, consolidated local government, unified local government, or charter county government, except persons engaged by a de jure municipal corporation, such as the Kentucky Lottery Corporation or the Kentucky Housing Corporation, institutions of higher education, or local governments, whose primary responsibility during sessions of the General Assembly is to lobby;
- (24) "Legislative interest" means a substantial economic interest, distinct from that of the general public, in one (1) or more legislative matters;
- (25) "Legislative matter" means any bill, resolution, nomination, or other issue or proposal pending before the General Assembly or any interim committee, committee, subcommittee, task force, or commission of the General Assembly;
- (26) "Legislator" means a member or member-elect of the General Assembly;
- (27) (a) "Lobby" means to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation by direct communication with any member of the General Assembly, the Governor, the secretary of any cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this paragraph.
- (b) "Lobbying" does not include:
1. Appearances before public meetings of the committees, subcommittees, task forces, and interim committees of the General Assembly;
 2. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
 3. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in paragraph (b)2. of this subsection;
 4. Publications primarily designed for,

- and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
5. Professional services in drafting bills or resolutions, preparing arguments on these bills or resolutions, or in advising clients and rendering opinions as to the construction and the effect of proposed or pending legislation, if the services are not otherwise connected with lobbying; or
 6. The action of any person not engaged by an employer who has a direct interest in legislation, if the person, acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any official listed in this subsection for the redress of grievances, or other proper purposes;

- (28) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert;
- (29) "Public servant" means an elected or appointed officer or employee of a federal or state agency; state institution of higher education; or a city, county, urban-county, or charter county government;
- (30) "State agency" means any department, office, commission, board, or authority within the executive department, and includes state-supported universities and colleges but does not include local boards of education; and
- (31) "Through others" means a scheme, artifice, or mechanism, the sole purpose of which is to accomplish by indirect means, using third parties, results which would be unlawful under this code if accomplished directly between a legislator or candidate and another person or entity.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 75, sec. 1, effective July 15, 2014. -- Amended 2005 Ky. Acts ch. 105, sec. 13, effective March 16, 2005. -- Amended 1996 Ky. Acts ch. 211, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 479, sec. 2, effective July 15, 1994. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 4, effective September 16, 1993. -- Created

6.616 Definitions of "intentionally" and "knowingly".

The following definitions apply in this code:

- (1) "Intentionally" -- A person acts intentionally with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause that result or to engage in that conduct.
- (2) "Knowingly" -- A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 5, effective September 16, 1993.

6.621 Extraterritorial application.

Except as otherwise provided in this section, a person may be convicted under this code of an offense committed by his own conduct or the conduct of another for which he is legally accountable when:

- (1) Either the conduct or the result which is an element of the offense occurs within this state;
- (2) Conduct occurring outside the state is sufficient to constitute an attempt to commit an offense within the state;
- (3) Conduct occurring outside the state is sufficient to constitute a conspiracy to commit an offense within the state and an overt act in furtherance of the conspiracy occurs within the state;
- (4) Conduct occurring within this state establishes complicity in the commission of, or an attempt, solicitation, or conspiracy to commit, an offense in another jurisdiction which is also an offense under this code;
- (5) The offense consists of the omission to perform a legal duty imposed by this code regardless of where that person is when the omission occurs; or
- (6) The offense is a violation of this code that expressly prohibits conduct outside the state.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 3, effective September 16, 1993.

6.626 Construction of code with respect to charitable solicitations, employment of spouses of legislators, and continuing employment as legislative agents of certain spouses of legislators.

Nothing in this code shall preclude:

- (1) A legislator or candidate from soliciting contributions on behalf of charitable, civic, or educational entities provided the solicitations are broad-based and are not directed solely or primarily at legislative agents;
- (2) A legislator's spouse from being employed in some other capacity than a legislative agent by the employer of a legislative agent; or
- (3) A legislator's spouse who was employed as a registered lobbyist on February 16, 1993, from continuing to be employed as a legislative agent with the same employer.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 70, effective September 16, 1993.

6.631 Construction of code with respect to criminal or penal laws.

Nothing in this code is intended to nor is to be construed as repealing or modifying in any way the provisions of any of the criminal or penal laws of this state but shall be held and construed as ancillary and supplemental thereto.

Effective: September 16, 1993

History: Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 83, effective September 16, 1993. -- Created 1976 Ky. Acts ch. 262, sec. 16.

Formerly codified as KRS 6.825.

6.632 Misdemeanor or felony violation of KRS 6.601 to 6.849 may be adjudicated as ethical misconduct.

If a provision of KRS 6.601 to 6.849 is designated as a misdemeanor or a felony, an alleged violation of the provision may be adjudicated by the commission as ethical misconduct.

Effective: July 15, 2020

History: Created 2020 Ky. Acts ch. 127, sec. 1, effective July 15, 2020.

Kentucky Legislative Ethics Commission

6.651 Establishment of Kentucky Legislative Ethics Commission -- Membership -- Terms.

- (1) The Kentucky Legislative Ethics Commission is established as an independent authority and shall be an agency of the legislative department of state government.
- (2) The commission shall be composed of nine (9) members, not less than three (3) of whom shall be members of the largest minority party in the state. The members shall be appointed in the following manner: four (4) members shall be appointed by the President of the Senate, four (4) members shall be appointed by the Speaker of the House, and one (1) member shall be appointed by the Legislative Research Commission. No member of the General Assembly shall be eligible for appointment to the commission.
- (3) The members of the commission shall be appointed within sixty (60) days of February 18, 1993. The Speaker of the House shall appoint one (1) member for an initial term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years; the President of the Senate shall appoint one (1) member for a term of two (2) years, one (1) member for an initial term of three (3) years, and two (2) members for a term of four (4) years. The Legislative Research Commission shall appoint one (1) member for an initial term of three (3) years. Thereafter all appointments shall be for a full four (4) years.
- (4) Vacancies shall be filled by appointment by the original appointing authority in the same manner as the original appointments.
- (5) Each member shall be a citizen of the United States and a resident of this Commonwealth. A member of the commission shall not be a public servant, other than in his capacity as a member of the commission or in his capacity as a special judge; a candidate for any public office; a legislative agent; an employer of a legislative agent; or a spouse or child of any of these individuals while serving as a member of the commission. In the two (2) years immediately preceding the date of his appointment, a member shall not have served as a fundraiser, as defined in KRS 121.170(2), for a candidate for Governor or the General Assembly.
- (6) Except as provided in subsection (4) of this section, a member of the commission shall serve a term of four (4) years and may be reappointed.

- (7) While serving on the commission, a member shall not:
- (a) Serve as a fundraiser for a slate of candidates for Governor and Lieutenant Governor, or candidate for Attorney General, Auditor of Public Accounts, or the General Assembly;
 - (b) Contribute to a slate of candidates for Governor and Lieutenant Governor, or candidate for Attorney General, Auditor of Public Accounts, or the General Assembly;
 - (c) Serve as an officer in a political party; or
 - (d) Participate in the management or conduct of the political campaign of a candidate.
- (8) A member shall be removed only by the Legislative Research Commission, and only for cause.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 211, sec. 2, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 37, effective September 16, 1993.

6.656 Chair and vice chair -- Meetings -- Compensation of members.

- (1) The chair and the vice chair of the commission shall be elected by a majority vote of the members of the commission. The chair and the vice chair shall serve terms of one (1) year and may be reelected. The chair shall preside at meetings of the commission. The vice chair shall preside in the absence or disability of the chair.
- (2) The commission shall meet within ninety (90) days of February 18, 1993. The time and place of the meeting shall be determined by the chair. Thereafter, the commission shall meet at such times deemed necessary at the call of the chair or a majority of its members. A quorum shall consist of five (5) or more members. An affirmative vote of five (5) or more members shall be necessary for commission action.
- (3) A member of the commission shall receive one hundred dollars (\$100) per day and reimbursement for actual and necessary expenses incurred in the performance of his official duties as a member of the commission for meeting days and for a maximum of two (2) nonmeeting days per month devoted to commission-related work.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 493, sec. 1, effective July 14, 2000. -- Created 1993 (1st Extra.

Sess.) Ky. Acts ch. 4, sec. 43, effective September 16, 1993.

6.661 Executive director -- Staff.

- (1) The commission may employ an executive director who shall serve at the pleasure of the commission.
- (2) The executive director shall:
 - (a) Administer the daily business of the commission and perform the duties assigned by the commission; and
 - (b) Employ and remove other personnel as necessary to carry out the provisions of this code.
- (3) The commission shall fix the compensation of its staff, and the compensation shall be commensurate with that paid to executive branch officials with a similar level of responsibilities.
- (4) The staff of the commission shall be exempt from the provisions of KRS 18A.005 to 18A.202.
- (5) A member of the staff of the commission during his term of employment shall be subject to the provisions of KRS 6.651(8).

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 38, effective September 16, 1993.

6.666 Powers of commission -- Authority to promulgate administrative regulations -- Lists of legislative agents -- Trust and agency account.

- (1) The commission shall have jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this code.
- (2) The commission shall have jurisdiction over the disposition of complaints filed pursuant to KRS 6.686.
- (3) The commission may administer oaths; issue subpoenas; compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony; and have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions. If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter regarding which he may be lawfully interrogated, the Franklin Circuit Court may, on application of the commission, compel the obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from

the Circuit Court or a refusal to testify in Circuit Court. Each witness subpoenaed under this section shall receive for his attendance the fees and mileage provided for witnesses in Circuit Court, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.

- (4) The commission may render advisory opinions in accordance with KRS 6.681.
- (5) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this code.
- (6) The commission shall prescribe and provide forms for reports, statements, notices, and other documents required by this code.
- (7) The commission shall determine whether the required statements and reports have been filed and, if filed, whether they conform with the requirements of this code. The commission shall promptly give notice to the filer to correct or explain any omission or deficiency.
- (8) Unless otherwise provided in this code, the commission shall make each report and statement filed under this code available for public inspection and copying during regular office hours at the expense of any person requesting copies of them and at a charge not to exceed actual cost, not including the cost of staff required.
- (9) The commission may preapprove leases or contracts pursuant to KRS 6.741.
- (10) The commission shall compile and maintain a current index organized alphabetically by name of legislative agent and name of employer of all reports and statements filed with the commission in order to facilitate public access to the reports and statements.
- (11) The commission shall preserve all filed statements and reports for at least two (2) years from the date of receipt.
- (12) The commission shall provide to the Legislative Research Commission and each member of the General Assembly a list of every legislative agent and employer registered with the commission, including the name of each entity he represents and the date of his registration. The list shall be furnished on or before the tenth day of every month. Changes in the lists shall be furnished on Friday of each week that the General Assembly is convened in regular or extraordinary session.
- (13) Upon the sine die adjournment of a regular session of the General Assembly, the commission shall provide to the Registry of Election Finance a list of each person who was registered as a legislative agent or employer at any point during the period in

which the General Assembly was convened in regular session. Upon the convening, and within fifteen (15) days after the sine die adjournment of, any extraordinary session, the commission shall provide to the Registry of Election Finance a list of each person who was registered as a legislative agent or employer at any point during that period.

- (14) In order to carry out the provisions of this code, the commission may contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, the printing and publication of its reports, consulting, or for any other purpose necessary to discharge the duties of the commission.
- (15) The commission may conduct research concerning governmental ethics and implement any public educational programs it considers necessary to give effect to this code.
- (16) No later than December 1 of each year, the commission shall report to the Legislative Research Commission on the commission's activities in the preceding fiscal year. The report shall include, but not be limited to, a summary of commission determinations and advisory opinions. The report may contain recommendations on matters within the commission's jurisdiction.
- (17) No later than July 1 of each odd-numbered year, beginning July 1, 1995, the commission shall submit a report to the Legislative Research Commission which shall contain recommendations for any statutory revisions it deems necessary.
- (18) All funds received by the commission from any source shall be placed in a trust and agency account for use by the commission in the administration and enforcement of the provisions of this code. Funds in the trust and agency account shall not lapse.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 211, sec. 3, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 41, effective September 16, 1993.

Oversight of Legislative Ethics

6.681 Advisory opinions.

- (1) The commission may render advisory opinions concerning matters under its jurisdiction, based upon real or hypothetical circumstances, when requested by:

- (a) Any person covered by this code;
 - (b) Any person who is personally and directly involved in the matter; or
 - (c) The commission upon its own initiative.
- (2) An advisory opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for the advisory opinion shall remain confidential unless confidentiality is waived, in writing, by the requestor.
- (3) Advisory opinions shall be based on the Kentucky Revised Statutes as written and shall not be based on the personal opinions of commission members as to legislative intent or the spirit of the law.
- (4) The commission shall promulgate administrative regulations to establish criteria under which it may issue confidential advisory opinions. All other advisory opinions shall be published except that before an advisory opinion is made public, it shall be modified so that the identity of any person associated with the opinion shall not be revealed.
- (5) The confidentiality of an advisory opinion may be waived either:
- (a) In writing by the person who requested the opinion; or
 - (b) By majority vote of the members of the commission, if a person makes or purports to make public the substance or any portion of an advisory opinion requested by or on behalf of the person. The commission may vote to make public the advisory opinion request and related materials.
- (6) (a) A written advisory opinion issued by the commission shall be binding on the commission in any subsequent proceeding concerning the facts and circumstances of the particular case if no intervening facts or circumstances arise which would change the opinion of the commission if they had existed at the time the opinion was rendered. However, if any fact determined by the commission to be material was omitted or misstated in the request for an opinion, the commission shall not be bound by the opinion.
- (b) A written advisory opinion shall be admissible in the defense of any criminal prosecution or civil proceeding for violations of this code for actions taken in reliance on that opinion.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 479, sec. 3, effective July 15, 1994. -- Created 1993 (1st Extra.

6.686 Complaint procedure -- Preliminary investigations -- Penalty for false complaint of misconduct.

- (1) (a) The commission shall have jurisdiction to investigate and proceed as to any violation of this code upon the filing of a complaint. The complaint shall be a written statement alleging a violation against one (1) or more named persons and stating the essential facts constituting the violation charged. The complaint shall be made under oath and signed by the complaining party before a person who is legally empowered to administer oaths. The commission shall have no jurisdiction in the absence of a complaint. A member of the commission may file a complaint.
- (b) Within ten (10) days of the filing of a complaint, the commission shall cause a copy of the complaint to be served by certified mail upon the person alleged to have committed the violation.
- (c) Within twenty (20) days of service of the complaint the person alleged to have committed the violation may file an answer with the commission. The filing of an answer is wholly permissive, and no inferences shall be drawn from the failure to file an answer.
- (d) Not later than ten (10) days after the commission receives the answer, or the time expires for the filing of an answer, the commission shall initiate a preliminary inquiry into any alleged violation of this code. If the commission determines upon the affirmative vote of at least five (5) members, at either a regularly scheduled meeting, or a teleconference meeting called upon the chair's oral or written notice to all members of the commission, that the complaint fails to state a claim of an ethics violation, the complaint shall be dismissed.
- (e) Within thirty (30) days of the commencement of the inquiry, the commission shall give notice of the status of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- (f) A complaint may be filed against a former legislator, a former legislative agent, or a former employer of a legislative agent

within one (1) year of the date he or she left office or terminated lobbying registration. The one (1) year limitation shall not apply if a complaint alleges a violation of KRS 6.757.

- (g) The applicable criminal statutes of limitation shall not apply to ethical misconduct under KRS 6.601 to 6.849.
- (2) All commission proceedings, including the complaint and answer and other records relating to a preliminary inquiry, shall be confidential until a final determination is made by the commission, except:
 - (a) The commission may turn over to the Attorney General, the United States Attorney, Commonwealth's attorney, or county attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings; and
 - (b) If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the commission may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party.
- (3) The commission shall afford a person who is the subject of a preliminary inquiry an opportunity to appear in response to the allegations in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations in the complaint.
- (4) If the commission determines by the answer or in the preliminary inquiry that the complaint does not allege facts sufficient to constitute a violation of this code, the commission shall immediately terminate the matter and notify in writing the complainant and the person alleged to have committed a violation. The commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law. If the alleged violator publicly discloses the existence of such action by the commission, the commission may confirm the existence of the action and, in its discretion, make public any documents that were issued to the alleged violator.
- (5) If the commission, during the course of the preliminary inquiry, finds probable cause to believe that a violation of this code has occurred, the commission shall notify the alleged violator of the finding, and the commission may, upon majority vote:

- (a) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the state, or lack of significant impact on public confidence in government, confidentially reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves, or the alleged violator's employer, if the alleged violator is a legislative agent. The proceedings leading to a confidential reprimand and the reprimand itself shall remain confidential except that, if the alleged violator publicly discloses the existence of such an action, the commission may confirm the existence of the action and, in its discretion, make public any documents which were issued to the alleged violator; or
 - (b) Initiate an adjudicatory proceeding to determine whether there has been a violation.
- (6) Any person who knowingly files with the commission a false complaint of misconduct on the part of any legislator or other person shall be guilty of a Class A misdemeanor.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 127, sec. 2, effective July 15, 2020. -- Amended 2000 Ky. Acts ch. 493, sec. 2, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 211, sec. 4, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 479, sec. 4, effective July 15, 1994. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 39, effective September 16, 1993.

6.691 Adjudicatory proceedings -- Action by commission -- Appeal.

- (1) The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to all commission adjudicatory hearings. All testimony in a commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. Before testifying, all witnesses shall be given a copy of the regulations

governing commission proceedings. All witnesses shall be entitled to be represented by counsel.

- (2) Any person whose name is mentioned during adjudicatory proceedings of the commission and who may be adversely affected thereby may appear personally before the commission on the person's own behalf, with or without attorney, to give a statement in opposition to such adverse mention or file a written statement of that opposition for incorporation into the record of proceeding.
- (3) All adjudicatory proceedings of the commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.
- (4) Within thirty (30) days after the end of an adjudicatory proceeding pursuant to the provisions of this section, the commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the commission shall publish a written report of its findings and conclusions which shall be based on whether the person accused has complied with the statute as written.
- (5) No penalty provided for in this section shall be imposed except as the result of an adjudicatory proceeding held upon the filing of a complaint. Notwithstanding the administrative penalties provided for in KRS 6.797, 6.807, and 6.821, the commission, upon a finding pursuant to an adjudicatory proceeding that there has been clear and convincing proof of a violation of this code, may:
 - (a) Issue an order requiring the violator to cease and desist the violation;
 - (b) Issue an order requiring the violator to file any report, statement, or other information as required by this code;
 - (c) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the presiding officer of the house in which the alleged violator serves;
 - (d) In writing, recommend to the house in which the violator serves that the violator be sanctioned as recommended by the commission, which may include a recommendation for censure or expulsion;
 - (e) Issue an order requiring the violator to pay a civil penalty of not more than two thousand dollars (\$2,000); or
 - (f) Revoke the registration of any legislative

agent or employer for a period not to exceed five (5) years. During the period of the revocation, the agent or employer or any other entity which constitutes nothing more than the legislative agent or employer operating under a different name or identity shall not be permitted to register as a legislative agent or employer.

- (6) The commission may refer to the Attorney General, county attorney, or Commonwealth's attorney of the appropriate jurisdiction, for prosecution evidence of criminal violations of this code. The Attorney General shall have responsibility for all prosecutions under the law and may request from the commission all evidence collected in its investigation.
- (7) Findings of fact or final determinations by the commission that a violation of this code has been committed, or any testimony related to the commission's findings of fact or final determinations, shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the commission may be used in a criminal proceeding if otherwise relevant.
- (8) Any person found by the commission to have committed a violation of this code may appeal the action to the Franklin Circuit Court. The appeal shall be initiated within thirty (30) days after the date of the final action of the commission by filing a petition with the court against the commission. The commission shall transmit to the clerk of the court all evidence considered by the commission at the public hearing. The court shall hear the appeal upon the record as certified by the commission.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 493, sec. 3, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 479, sec. 5, effective July 15, 1994. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 40, effective September 16, 1993.

6.696 Effect of felony conviction on state retirement benefits.

- (1) A legislator or former legislator convicted of a felony relating to his duties as a legislator, in any state or federal court of competent jurisdiction, shall forfeit rights and benefits earned after September 16, 1993, under the state administered retirement plan to which contributions have been made as a result of his service in the General

Assembly, except for the return of his accumulated contributions and interest credited on those contributions.

- (2) The payment of retirement benefits ordered forfeited shall be stayed pending any appeal of the conviction. If the conviction is reversed on final judgment, no retirement benefits shall be forfeited.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 44, effective September 16, 1993.

Legislative Ethics Education

6.701 Program of ethics education and training for legislators and legislative employees -- Program of ethics education and training for legislative agents.

- (1) The commission shall establish and supervise a program of ethics education and training, including but not limited to:
 - (a) Preparing and publishing an ethics education manual;
 - (b) Designing and supervising orientation courses for new legislators; and
 - (c) Designing and supervising current issues seminars for legislators and employees of the legislative branch of state government.
- (2) The commission shall establish, supervise, and conduct a program of ethics education and training designed specifically for and made available to legislative agents.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 127, sec. 3, effective July 15, 2020.
-- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 33, effective September 16, 1993.

6.706 Ethics education manual for legislators.

- (1) The ethics education manual shall include, but not be limited to, ethics statutes, administrative regulations, explanations of purposes and principles underlying the laws, explanations of technical and specific legal requirements, examples of practical applications of the laws and principles, a questions-and-answers section regarding common problems and situations, summaries of advisory opinions, and any other information which would inform legislators about the required standards of conduct and assist them in applying those standards to specific situations.

- (2) The commission shall provide for the distribution of the manual to legislators. The commission shall distribute the first manual no later than one hundred twenty (120) days after appointment of the commission. On or before January 1, 1995, the commission shall distribute a supplement including, but not limited to, updates, additions, and revisions. Thereafter, the commission shall distribute revised and updated versions of the manual on or before January 1 of each odd-numbered year.

- (3) Copies of the manual shall be made available to the public for a reasonable fee, not to exceed the actual cost, but not including the cost of staff required.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 34, effective September 16, 1993.

6.711 Orientation courses for legislators.

- (1) The commission shall design the general curriculum of orientation courses, which shall include but not be limited to explanations and discussions of the ethics laws, administrative regulations, relevant internal policies, specific technical and legal requirements, summaries of advisory opinions, underlying purposes and principles of ethics laws, examples of practical application of the laws and principles, and a question-and-answer participatory segment regarding common problems and situations. The commission shall prepare the methods and materials necessary to implement the curriculum.
- (2) The commission shall:
 - (a) Administer the orientation courses for legislators;
 - (b) Designate instructors to conduct their courses who shall be trained by the commission; and
 - (c) Notify legislators regarding attendance in these courses.
- (3) The orientation courses shall be conducted for new legislators in December of each even-numbered year. Each course shall be at least two (2) hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education credits which the bar association may require.
- (4) To facilitate participant interaction, those portions of the courses dedicated to group participation may be closed to the public.
- (5) Each legislator shall complete the initial

orientation course offered under this section. Each legislator elected after the initial orientation course shall complete the next orientation course conducted. The commission may grant permission for a legislator to attend a later course for good cause shown.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 127, sec. 4, effective July 15, 2020. -- Amended 2014 Ky. Acts ch. 75, sec. 2, effective July 15, 2014. -- Amended 2000 Ky. Acts ch. 493, sec. 4, effective July 14, 2000. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 35, effective September 16, 1993.

6.716 Current issues seminars for legislators and legislative employees.

- (1) The commission shall design the general curriculum of a current issues seminar, which shall include, but not be limited to, discussion of changes in the ethics laws and administrative regulations, new advisory opinions, current ethical issues confronting public servants, practical application of ethics laws and principles to specific issues and situations, and development of problem-solving skills. The commission shall prepare the methods and materials necessary to implement the curriculum.
- (2) The commission shall:
 - (a) Administer the current issues seminars for legislators and training for employees of the legislative branch of state government;
 - (b) Designate instructors to conduct their current issues courses who shall be trained by the commission; and
 - (c) Notify legislators regarding attendance in these seminars.
- (3) The current issues seminars for legislators shall be conducted in January of each year. Each course shall be at least two (2) hours in length and shall be designed for approval by the Kentucky Bar Association for continuing legal education ethics credits which the bar association may require.
- (4) To facilitate participant interaction, those portions of the seminars dedicated to group participation may be closed to the public.
- (5) Each legislator, after completion of an orientation training course, shall complete one (1) current issues seminar annually.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch.

127, sec. 5, effective July 15, 2020. -- Amended 2014 Ky. Acts ch. 75, sec. 3, effective July 15, 2014. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 36, effective September 16, 1993.

Conduct of Legislators

6.731 General standards of conduct -- Penalties.

A legislator, by himself or through others, shall not intentionally:

- (1) Use or attempt to use his influence as a member of the General Assembly in any matter which involves a substantial conflict between his personal interest and his duties in the public interest. Violation of this subsection is a Class A misdemeanor;
- (2) Use his official position or office to obtain financial gain for himself, any members of the legislator's family, or a business associate of the legislator. Violation of this subsection is a Class D felony;
- (3) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in direct contravention of the public interest at large. Violation of this subsection is a Class A misdemeanor;
- (4) Use public funds, time, or personnel for his private gain or that of another, unless the use is authorized by law. Violation of this subsection is a Class A misdemeanor;
- (5) Use public funds, time, or personnel for partisan political campaign activity, unless the use is:
 - (a) Authorized by law; or
 - (b) Properly incidental to another activity required or authorized by law, such as elections to constitutional or party offices within the General Assembly. Violation of this subsection is a Class A misdemeanor;
- (6) Use his official legislative stationery, or a facsimile thereof, to solicit a vote or a contribution for his or another person's campaign for election or reelection to public office, or use the great seal of the Commonwealth on his campaign stationery or campaign literature. For purposes of this subsection, "official legislative stationery" means the stationery used by a legislator on a day-to-day basis for correspondence related to his duties as a member of the General Assembly. Violation of this subsection is ethical misconduct.
- (7) While in the discharge of the duties of his office,

become intoxicated by the use of spiritous, vinous, or malt liquors, or any controlled substance, as defined in KRS 218A.010. Any legislator who is unable, incompetent, or disqualified to discharge any of the duties of his office because of the use of spiritous, vinous, or malt liquors, or any controlled substance, as defined in KRS 218A.010, shall be deemed to have violated this subsection. Violation of this subsection is ethical misconduct.

Effective: September 16, 1993

History: Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 6, effective September 16, 1993. -- Amended 1988 Ky. Acts ch. 420, sec. 1, effective July 15, 1988. -- Created 1976 Ky. Acts ch. 262, sec. 6.

Formerly codified as KRS 6.775.

6.734 Prohibition against disclosure or use of confidential information -- Penalty.

A legislator shall not intentionally disclose or use confidential information acquired in the course of his official duties, if the primary purpose of the disclosure is to further his own economic interest or that of another person. Information shall be deemed confidential if it is not subject to public disclosure pursuant to the Kentucky Open Records Act, KRS 61.872 to 61.884, at the time of its disclosure or use. Violation of this section is a Class D felony.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 7, effective September 16, 1993.

6.737 Prohibition against certain contracts with state agency -- Penalty.

A legislator or candidate by himself, or through others, shall not intentionally undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, sale, or purchase of the value of one hundred dollars (\$100) or more per transaction, made, entered into, awarded, or granted by any state agency, except:

- (1) Contracts, agreements, sales, or purchases between a state agency and a business in which the legislator and his spouse, collectively, own or control an interest of five percent (5%) or less;
- (2) Contracts, agreements, sales, or purchases made or let after public notice and competitive bidding;
- (3) Contracts, agreements, sales, or purchases which are available on similar terms to members of the legislator's business, occupation, or profession; or

- (4) Contracts or agreements entered into prior to the time the legislator became a candidate.

Violation of this section is a Class D felony, and the court upon conviction may void the contract, agreement, sale, or purchase violating this provision.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 8, effective September 16, 1993.

6.741 Prohibition against certain leases or sales of real property with state agency -- Penalty.

A legislator, his spouse, or any business in which he or his spouse own or control an interest of more than five percent (5%) shall not intentionally lease or sell any facility, building, or other real property to a state agency while the legislator is a member of the General Assembly. This provision shall not apply to sales or leases made under threat of or pursuant to KRS Chapter 416, relating to eminent domain, and does not impair any lawful contract existing on September 16, 1993. This section shall not apply to a lease or sale for a nominal consideration if the lease or sale is preapproved by the commission. Violation of this section is a Class D felony, and the court upon conviction may void any sale or lease violating this provision.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 9, effective September 16, 1993.

6.744 Prohibitions against influencing state agency and appearing as a paid expert witness before state agency -- Restriction of representation of clients before state agency or in court -- Penalties.

- (1) A legislator, by himself or through others, shall not use or attempt to use any means to influence a state agency in direct contravention of the public interest at large.
 - (a) Absent an express threat of legislative reprisal, nothing in this subsection shall prevent a legislator from contacting a state agency on behalf of a person or constituent, to make a legislative inquiry, or to obtain information relating to a person or constituent who has requested legislative assistance and given written or verbal consent for a member to make an inquiry on his or her behalf.
 - (b) Violation of this subsection is ethical misconduct.
- (2) A legislator shall not, for compensation, appear

before a state agency as an expert witness. A violation of this subsection is ethical misconduct.

- (3) A legislator who is properly licensed may, for compensation, represent a client before a state agency in:
- (a) A ministerial function which does not require discretion on the part of the agency, including, but not limited to:
 - 1. Filing corporation charters, reports, and other papers;
 - 2. Filing tax returns;
 - 3. Filing reports required by a state agency;
 - 4. Filing an application to participate in a state or state-administered federal program, generally available to similar classes of persons or business entities.
 - (b) An adversarial proceeding and negotiations related thereto;
 - (c) Workers' compensation and special fund proceedings;
 - (d) Unemployment compensation proceedings; and
 - (e) All other matters, unless the representation is prohibited by subsections (5) to (7) of this section or the code of professional conduct observed by the profession being practiced.
- (4) A legislator who is properly licensed may, for compensation, represent a client before a court or trial commissioner in any proceeding not prohibited by the Kentucky Rules of Professional Conduct or by subsections (5) to (7) of this section.
- (5) Other than for a ministerial function provided for under subsection (3) of this section, even though properly licensed, a legislator may not, for compensation, represent or engage in negotiations on behalf of a client before or with a state agency in proceedings related to the following matters:
- (a) Contracting for the purchase, sale, rental, or lease of real property, goods, or services from a state agency;
 - (b) Any proceeding relating to ratemaking;
 - (c) Adoption, amendment, or repeal of any administrative regulation;
 - (d) Obtaining grants of money or loans;
 - (e) Licensing or permitting, but not including matters related to driver licensing; or
 - (f) Any proceeding before the Public Service Commission.
- (6) A legislator who is licensed in any profession shall

not, for compensation, represent the Commonwealth or any state agency.

- (7) A legislator who is an attorney shall not for compensation maintain an action for the purpose of receiving money damages against the Commonwealth in which the Commonwealth is the principal defendant or against a state agency in which the agency is the principal defendant. This subsection shall not apply to:
- (a) An appeal of an action by the state against the client;
 - (b) Cases before the Workers' Compensation Board, including cases in which the special fund is a party; and
 - (c) Unemployment compensation cases.
- (8) A legislator who is properly licensed who has a partner who is also properly licensed and whose partner practices cases which the legislator is precluded from handling under the provisions of this section shall report to the commission in the report required under KRS 6.787, the names of the agencies before which the partners practiced and the names of the clients represented by the partners.
- (9) A legislator shall not receive or enter into any express or implied agreement to receive compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency, in which his compensation is to be dependent or contingent upon any action by the agency. Violation of this subsection is ethical misconduct.
- (10) If a legislator considers entering into an agreement for compensation for representing any person in any transaction involving the state, he shall consider the following factors:
- (a) Whether the matter is being brought to him in an attempt to obtain improper influence over the state agency;
 - (b) Whether there is a reasonable possibility that the action of the state agency will be unduly influenced because of his participation; or
 - (c) The effect of his participation on public confidence in the integrity of the Legislature.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 211, sec. 5, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 479, sec. 6, effective July 15, 1994. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 10, effective September 16, 1993. --

Amended 1980 Ky. Acts ch. 188, sec. 1, effective July 15, 1980. -- Created 1976 Ky. Acts ch. 262, sec. 10.

Formerly codified as KRS 6.795.

6.747 Prohibition against honoraria -- Authorization for certain out-of-state travel -- Penalty.

- (1) A legislator shall not accept any compensation in consideration for an appearance, speech, or article unless the appearance, speech, or article is both related to the legislator's employment outside the General Assembly and is unrelated to his or her position as a legislator.
- (2) A legislator may accept prepaid transportation, food, and lodging or be reimbursed for actual expenses for out-of-state travel associated with the performance of his or her duties as a legislator if he or she obtains prior approval of the travel from a majority of the Legislative Research Commission. However, a legislative agent or employer shall not furnish or pay for out-of-state transportation or lodging for a legislator. A legislative agent or employer may furnish food, beverages, or local transportation for an event held in conjunction with a meeting of a multistate or national organization referenced in KRS 6.611(2)(b)11., if the event is conducted in accordance with KRS 6.611(2)(b)8.a. to d. The reimbursement of expenses pursuant to this subsection shall be reported to the Legislative Research Commission.
- (3) Violation of this section is ethical misconduct.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 75, sec. 4, effective July 15, 2014. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 11, effective September 16, 1993.

6.751 Prohibition against acceptance of additional compensation or gifts for performance of legislative duties -- Penalties.

- (1) A legislator shall not knowingly accept compensation, other than that provided by law for members of the General Assembly, for performance of his legislative duties. No person, other than state officials or employees performing their duties in making payments to members of the General Assembly as provided by law, may pay or offer to pay any person any compensation for performance of his legislative duties. Violation of

this subsection is a Class A misdemeanor.

- (2) A legislator or his spouse shall not solicit, accept, or agree to accept anything of value from a legislative agent or an employer. Violation of this subsection is a Class B misdemeanor.

Effective: September 16, 1993

History: Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 12, effective September 16, 1993. -- Created 1976 Ky. Acts ch. 262, sec. 9.

Formerly codified as KRS 6.790.

6.754 Prohibition against employment of and certain other conduct relating to members of a legislator's family -- Exception -- Penalty.

- (1) A member of a legislator's family shall not be employed or appointed to an office or position in the legislative branch of state government.
- (2) A legislator shall not advocate or cause the employment, appointment, promotion, transfer, or advancement of a member of the legislator's family to an office or position in the executive branch of state government.
- (3) A legislator shall not participate in any action relating to the disciplining of a member of the legislator's family in the legislative or executive branch of state government.
- (4) Subsection (1) of this section does not apply to a member of a legislator's family who is employed or appointed to an office or position in the legislative branch of state government prior to the legislator's election to the General Assembly or prior to February 18, 1993.
- (5) Violation of this section is ethical misconduct.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 13, effective September 16, 1993.

6.757 Restriction on former legislator becoming a legislative agent -- Prohibition against legislator being a legislative agent -- Penalty.

- (1) A former legislator shall not be a legislative agent, other than for a public agency, until after two (2) years have elapsed since the date the legislator left office.
- (2) A legislator shall not be a legislative agent.
- (3) Violation of this section is ethical misconduct.

Effective: September 16, 1993

History: Created 1993 (1st Extra.

**6.764 Offices incompatible with being a legislator --
Exception -- Penalties.**

6.761 Conflict of interest provisions -- Penalty.

- (1) A legislator shall not intentionally participate in the discussion of a question in committee or on the floor of the General Assembly, vote, or make a decision in his official capacity on any matter:
 - (a) In which he, or any member of his family, or the legislator's business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of his vote or decision; or
 - (b) Which relates specifically to a business in which he owns or controls an interest of ten thousand dollars (\$10,000) or more, or an interest of more than five percent (5%).

Violation of this provision is a Class D felony. The provisions of this subsection notwithstanding, a legislator may vote on legislation affecting his salary, expenses, benefits, and allowances, as provided by law. The provisions of this subsection notwithstanding, a legislator may participate in the discussion of the question in committee and on the floor of the General Assembly, vote, or make a decision on a matter if any benefit or detriment which accrues to the member of the General Assembly, as a member of a business, profession, occupation, or other group, or to a member of his family or a business interest specified in subsection (1)(b) of this section is of no greater extent than the benefit or detriment which accrues generally to other members of the business, profession, occupation, or other group;

- (2) A legislator who has a personal or private interest in a bill proposed or pending before the General Assembly shall be subject to the limitations of Section 57 of the Constitution of Kentucky, which provides that the legislator shall disclose his interest to the house of which he is a member and refrain from voting upon pain of expulsion. A member shall disclose his interest by filing a disclosure statement with the clerk or by a verbal announcement to the body.
- (3) The right of legislators to represent their constituencies, however, is of such major importance that legislators should be barred from voting on matters of direct personal interest only in clear cases and if the matter is particularly personal.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 15, effective September 16, 1993.

- (1) A legislator shall not accept any appointment as an officer or employee of the Commonwealth or any state agency except as provided in subsection (3) of this section and in Section 165 of the Constitution unless he shall have first resigned his membership in the General Assembly, and it shall be unlawful for the State Treasurer to pay any salary by reason of the appointment until the resignation has been received by the presiding officer of the house of which he or she is a member. Violation of this subsection is ethical misconduct.
- (2) A legislator shall not accept any appointment or serve as a member of the governing body of any special purpose governmental entity as defined in KRS 65A.010 which has the statutory authority to levy taxes or to set rates unless he or she shall have first resigned his membership in the General Assembly. Violation of this provision is ethical misconduct.
- (3) Notwithstanding the provisions of subsection (1) of this section, a legislator may serve on the faculty or staff of any of the state universities or community colleges or as an employee of a local public school board without resigning his or her membership in the General Assembly.

Effective: March 21, 2013

History: Amended 2013 Ky. Acts ch. 40, sec. 81, effective March 21, 2013. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 16, effective September 16, 1993. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 2, effective February 10, 1979. -- Amended 1978 Ky. Acts ch. 16, sec. 1, effective February 24, 1978. -- Created 1976 Ky. Acts ch. 262, sec. 11.

Formerly codified as KRS 6.800.

6.767 Prohibitions against acceptance of campaign contributions from legislative agents at any time and from employers of legislative agents or permanent committees during regular sessions -- Penalties -- Defenses.

- (1) For purposes of this section, "accept" means the date a contribution is postmarked, if mailed, or the date of the hand delivery, if the contribution is hand-delivered.

- (2) A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not accept a campaign contribution from a legislative agent. Violation of this provision is ethical misconduct.
- (3) A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not, during a regular session of the General Assembly, accept a campaign contribution from an employer of a legislative agent, or from a permanent committee as defined in KRS 121.015. This subsection shall not apply to candidates for the General Assembly in a special election held during a regular session of the General Assembly. Violation of this provision is ethical misconduct.
- (4) It shall be a complete defense under this section if the legislator, candidate, or his or her campaign committee receives a campaign contribution from a legislative agent or, during a regular session, from an employer or from a permanent committee, which fact is unknown to the legislator, candidate, or committee at the time of receipt, if the legislator, candidate, or his or her campaign committee either returns the contribution within thirty (30) days of receipt, and within fourteen (14) additional days makes that fact, together with the name of the contributor, amount of the contribution, and the date of return or payment known, in writing to the commission. It shall also be a defense if a legislator, candidate, or his or her campaign committee receives a campaign contribution from a legislative agent whose name does not yet appear on the list of legislative agents and their employers furnished to the Legislative Research Commission if the legislator, candidate, or his or her campaign committee returns the campaign contribution within thirty (30) days of the Legislative Research Commission's receipt of the list bearing the name of the legislative agent and all employers and makes the written disclosure to the commission required in this subsection. The time periods shall be tolled upon the filing with the commission of a request for an advisory opinion regarding the campaign contribution. Upon the issuance of the opinion or decision not to render an opinion, the time period shall resume.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 122, sec. 7, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 75, sec. 5, effective July 15, 2014. -- Created 1993 (1st Extra. Sess.) Ky.

Acts ch. 4, sec. 17, effective September 16, 1993.

Financial Disclosure

6.781 Individuals required to file statements of financial interests.

The following individuals shall file a sworn statement of financial interests with the commission:

- (1) Members of the General Assembly;
- (2) All candidates and nominees for election to the General Assembly; and
- (3) Major management personnel in the legislative branch of state government, including the director, deputy directors, and assistant directors of the Legislative Research Commission.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 18, effective September 16, 1993.

6.784 Exceptions to financial disclosure requirements.

KRS 6.781 to 6.794 do not require the disclosure of financial information concerning the following:

- (1) A spouse separated from a filer;
- (2) A former spouse of a filer;
- (3) A gift or loan to or from a family member;
- (4) A campaign contribution permitted and reported pursuant to KRS Chapter 121; or
- (5) A gift or loan from a wholly-owned family business.

Effective: March 16, 2005

History: Amended 2005 Ky. Acts ch. 105, sec. 14, effective March 16, 2005. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 19, effective September 16, 1993.

6.787 Statements of financial disclosure -- Form -- Contents.

- (1) The statement of financial interests required by KRS 6.781 shall be filed on a form prescribed by the commission. The commission shall provide copies of the form without charge to any person required to file.
- (2) The statement shall include the following information for the preceding calendar year:
 - (a) Name, business address, business telephone number, and home address of the filer;

- (b) Title of the filer's public position or office sought;
- (c) Any other occupations of filer and spouse;
- (d) Positions held by the filer or his spouse in any business, partnership, corporation for profit, or corporation not for profit from which the filer receives compensation, and the name of that business, partnership, or corporation;
- (e) Names and addresses of all businesses, investments, or securities in which the filer, his spouse, or children has or had at any time during the preceding year an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more;
- (f) Sources of gross income of the filer and his spouse, information concerning the source, and the form of the income;
- (g) All positions of a fiduciary nature in a business;
- (h) A designation as commercial, residential, or rural, and the location of all real property, other than the filer's primary residence, in which there is an interest of ten thousand dollars (\$10,000) or more held by the filer, his spouse, or children;
- (i) Sources of gifts of money or property with a retail value of more than two hundred dollars (\$200) to the filer or the filer's immediate family, except those from a member of the filer's family;
- (j) The name of any creditor owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of consumer goods. As used in this paragraph, the term "consumer goods" has the same meaning as in KRS 355.9-102;
- (k) The name of any legislative agent who is:
 1. A member of the filer's immediate family;
 2. A partner of the filer, or a partner of a member of the filer's immediate family;
 3. An officer or director of the filer's employer;
 4. An employer of the filer or an employer of a member of the filer's immediate family; or
 5. A business associate of the filer or a business associate of a member of the filer's immediate family;
- (l) The names of any of the filer's clients who

- are legislative agents or employers; and
- (m) An answer to the question, "If you have held a professional license during the filing period, has a properly licensed partner of yours engaged in the practice of cases or other matters which you are prohibited from practicing under KRS 6.744?" If the filer responds affirmatively, he shall also list the names of the clients represented and list the agencies before which the partner made an appearance. These lists shall be separate and need not identify which client was represented before a specific agency.

- (3) Paragraphs (a) to (j) of subsection (2) of this section shall not require disclosure of specific dollar amounts. Paragraph (f) shall not require the disclosure of the names of clients or customers of business entities listed as sources of income.

Effective: July 1, 2001

History: Amended 2000 Ky. Acts ch. 408, sec. 175, effective July 1, 2001. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 23, effective September 16, 1993.

6.791 Public record status of statements of financial disclosure -- Retention requirements for commission.

- (1) Upon receipt by the commission, a statement of financial interests shall be a public record available for copying. A statement may be reviewed and copied at the office of the commission during ordinary business hours.
- (2) A statement of financial interests shall be retained by the commission for five (5) years after filing in a form, including microfilming, that shall facilitate document retention, except that:
 - (a) Upon the expiration of three (3) years after an individual ceases to be a member of the General Assembly, or an individual employed in a position listed in KRS 6.781(3) ceases to be employed in that position, the commission shall destroy any statements of financial interests or copies of those statements filed by the individual and which are in the possession of the commission, unless the individual is otherwise required to file a statement; and
 - (b) Upon the expiration of three (3) years after any election at which a candidate for the General Assembly was not elected or nominated, the commission shall destroy any statements of financial interests or copies of those statements filed by him as a

candidate, unless the individual is otherwise required to file a statement.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 22, effective September 16, 1993.

6.793 Time schedule for filing statements of financial interests.

- (1) The statement of financial interests required by KRS 6.781 shall be filed with the commission for the preceding calendar year by no later than February 15 of each year, complete through December 31 of the preceding year, except that:
 - (a) A candidate for nomination or election to the General Assembly shall file his statement no later than twenty-one (21) days after the filing deadline as set by the law or within ten (10) days of the filing deadline if it is a special election date he became a candidate as defined in KRS 6.611; and
 - (b) An individual appointed to a position listed in KRS 6.781(3) shall file his initial statement no later than twenty-one (21) days after the date of his appointment.
- (2) The commission may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 493, sec. 5, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 479, sec. 1, effective April 11, 1994. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 20, effective September 16, 1993.

Legislative Research Commission Note (7/14/2000). The extraneous phrase "date he became a candidate as defined in KRS 6.611" at the end of subsection (1)(a) of this statute could not be removed from the amended version of this statute in codification even though its deletion was specified in the drafter's version for 2000 Ky. Acts. ch. 493 (House Bill 712) because the indicated bracketing and striking through of the phrase was inadvertently overlooked in the preparation and proofing of the bill for introduction. Cf. KRS 446.145(1) and 446.280.

6.794 Ten-day grace period for filing of statements of financial interests.

A filer submitting a statement of financial interests within ten (10) days of the statutory deadline or the deadline authorized by the commission shall be subject to no penalty.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 24, effective September 16, 1993.

6.797 Notice of filing deficiency -- Penalties for deficient or false filing.

- (1) The commission shall notify by certified mail each person required to file a statement of financial interests who fails to file the statement in a timely manner, completely, or in the form required by the commission. The notice shall specify the type of failure or delinquency and shall advise the person of the penalties for violation of this section.
- (2)
 - (a) Any person who fails to file the statement or who fails to remedy a deficiency in his filing identified by the commission in the notice under subsection (1) of this section in a timely manner may be fined by the commission an amount not to exceed one hundred dollars (\$100) per day, up to a maximum total fine of one thousand dollars (\$1,000) without the necessity of a complaint being filed, notwithstanding KRS 6.686(1)(a), but only after notice has been given to the alleged violator of the intent of the commission to impose a fine, including the amount of the fine, and an opportunity has been afforded the alleged violator to appear before the commission or otherwise offer evidence as he may choose in mitigation of the imposition of the fine.
 - (b) Any person who intentionally files a statement of financial interests which he knows to contain false information or to omit required information shall be guilty of a Class A misdemeanor.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 493, sec. 6, effective July 14, 2000. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 21, effective September 16, 1993.

Legislative Lobbying

6.801 Legislative findings and declarations relating to legislative lobbying.

The General Assembly finds and declares the following:

- (1) The operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on executive and legislative action.
- (2) The identity and expenditures of certain persons who attempt to influence executive and legislative actions should be publicly identified and regulated to preserve and maintain the integrity of government.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 25, effective September 16, 1993.

6.807 Registration statements for legislative agents - Penalties.

- (1) Each legislative agent and employer, within seven (7) days following engagement of a legislative agent, shall file with the commission an initial registration statement listing the following:
 - (a) The name, business address and telephone number, and occupation of the legislative agent;
 - (b) The name, brief description of the nature of the business, nature and identity of the organized association, coalition, or public interest entity, business address and telephone number of the employer, and the real party in interest on whose behalf the legislative agent is lobbying, if it is different from the employer. For the purposes of this section, if a trade association or other charitable or fraternal organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code is the employer, the statement shall not list the names and addresses of each member of the association or organization, if the association or organization itself is listed;
 - (c) The name, bill number, or a brief description of the legislative action for which the legislative agent is or will be engaged in lobbying on behalf of their employer or as a representative of the organized association, coalition, or public interest entity;
 - (d) The date on which the legislative agent was

engaged; and

- (e) Certification by the employer and legislative agent that the information contained in the registration statement is complete and accurate.
- (2) The registration shall be valid through the next thirty-first day of December of an odd-numbered year, unless previously terminated.
- (3)
 - (a) In addition to the initial registration statement required by subsection (1) of this section, each legislative agent and employer shall file an updated registration statement with the commission to be received by the commission, not later than 4 p.m. on the fifteenth day of January, February, March, April, May, and September of each year, for the period since the end of the period covered by the previous report until the last day of the month preceding the filing date. The commission may grant a reasonable extension of time for filing the updated registration statement for good cause shown.
 - (b) The updated registration statement shall confirm the continuing existence of each engagement described in an initial registration statement, and list the specific bills or resolutions on which the agent lobbied under that engagement during the period covered by the updated statement. Any statement of expenditures required to be filed by KRS 6.821 and any details of financial transactions required to be filed by KRS 6.824 shall be filed with the updated registration statement.
- (4) If a legislative agent is engaged by more than one employer, the agent shall file a separate initial and updated registration statement for each engagement. If an employer engages more than one (1) legislative agent, the employer shall file only one (1) updated registration statement under subsection (3) of this section, which shall contain the information required by subsection (3) of this section regarding all legislative agents engaged by the employer.
- (5)
 - (a) A change in any information required by subsection (1)(a), (b), or (c) of this section shall be reflected in the next updated registration statement filed under subsection (3) of this section.
 - (b) Within thirty (30) days after the termination of an engagement, the legislative agent who was employed under the engagement shall file written notice of the termination with the commission.
 - (c) If the termination of a legislative agent

leaves an employer without the engagement of any legislative agents, within thirty (30) days after the termination, the employer shall file written notice with the commission of its intent to terminate its current registration.

- (6) Upon registration pursuant to subsection (1) of this section, the legislative agent shall be issued a card by the commission, showing that the legislative agent is registered. The registration card shall be valid from the date of its issuance through the next thirty-first day of December of an odd-numbered year.
- (7) Any legislative agent or employer who fails to file the initial registration statement or updated registration statement, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars (\$100) per day, up to a maximum total fine of one thousand dollars (\$1,000) without the necessity of a complaint being filed, notwithstanding KRS 6.686(1)(a), but only after notice has been given to the alleged violator of the intent of the commission to impose a fine, including the amount of the fine, and an opportunity has been afforded the alleged violator to appear before the commission or otherwise offer evidence as he may choose in mitigation of the imposition of the fine.
- (8) Any legislative agent or employer who intentionally fails to register shall be guilty of a Class D felony.

Effective: March 20, 2001

History: Amended 2001 Ky. Acts ch. 140, sec. 1, effective March 20, 2001. -- Amended 2000 Ky. Acts ch. 493, sec. 7, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 211, sec. 6, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 27, effective September 16, 1993.

6.809 Registration fee -- Trust and agency account.

- (1) Each employer of one (1) or more legislative agents shall pay a registration fee of two hundred fifty dollars (\$250) to the commission.
- (2) All fees collected by the commission under the provisions of this section shall be deposited in the State Treasury in a trust and agency fund account to the credit of the commission. These agency funds shall be used to supplement general fund appropriations to the commission.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 28, effective September 16, 1993.

6.811 Prohibitions against certain conduct by legislative agents and their employers -- Penalties.

- (1) A legislative agent or employer shall not knowingly fail to register, as required under KRS 6.807.
- (2) A legislative agent or employer shall not knowingly fail to keep a receipt or maintain a record which KRS 6.821 requires the person to keep or maintain.
- (3) A person shall not knowingly fail to file a statement that KRS 6.807, 6.821, or 6.824 requires the person to file.
- (4) A legislative agent or employer shall not knowingly offer, give, or agree to give anything of value to a legislator, a candidate, or the spouse or child of a legislator or candidate.
- (5) A legislative agent shall not serve as a campaign treasurer, and shall not directly solicit, control, or deliver a campaign contribution, for a candidate or legislator.
- (6) A legislative agent shall not make a campaign contribution to a legislator, a candidate, or his or her campaign committee.
- (7) During a regular session of the General Assembly, an employer of a legislative agent shall not make a campaign contribution to a legislator, candidate, campaign committee for a legislator or candidate, or caucus campaign committee. This subsection shall not apply to candidates for the General Assembly in a special election held during a regular session of the General Assembly.
- (8) An employer shall not knowingly employ, appoint, or retain a serving legislator or former legislator as a legislative agent until at least two (2) years have elapsed from the date on which he or she vacated his or her office.
- (9) No person shall engage any person to lobby in exchange for compensation that is contingent in any way upon the passage, modification, or defeat of any legislation. No person shall accept any engagement to lobby in exchange for compensation that is contingent in any way upon the passage, modification, or defeat of any legislation. Violation of this provision is a Class D felony.
- (10) A legislative agent or other lobbyist shall not go upon the floor of either house of the General Assembly while the house is in session, except

upon invitation of that house. Violation of this provision is a Class B misdemeanor.

- (11) If any legislative agent or employer violates any provision in subsections (4) to (8) of this section, he or she shall for the first violation be guilty of ethical misconduct. For the second and each subsequent violation, he or she shall be guilty of a Class D felony.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 75, sec. 6, effective July 15, 2014. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 26, effective September 16, 1993.

6.821 Statements of expenditures -- Penalties.

- (1) With the updated registration statement required by KRS 6.807(3), each legislative agent, or representative of an organized association, coalition, or public interest entity, and each employer shall file a statement of expenditures as provided in subsections (2), (3), and (4) of this section. A representative of an organized association, coalition, or public interest entity shall identify the source of the entity or association's funds and financial resources. A legislative agent shall file a separate statement of expenditures for each employer engaging him.
- (2) If an employer or any legislative agent whom he or she engaged made expenditures, either separately or in combination with each other, either directly or indirectly, for food, beverages, or the costs of admittance or attendance, lodging, or other expenses related to events conducted or approved under KRS 6.611(2)(b)8., 11., or 12. on behalf of any particular member of the General Assembly or candidate, or his or her immediate family, the employer or legislative agent shall also state the following:
- (a) The name of the legislator, candidate, or member of his or her immediate family on whose behalf the expenditures were made;
 - (b) The total amount of the expenditures made;
 - (c) A description of the expenditures made; and
 - (d) The date and specific location of the event for which the expenditures were made.
- (3) In addition to the information required by subsection (2) of this section, a statement filed by a legislative agent shall show:
- (a) The total amount of lobbying expenditures made by the legislative agent during the reporting period covered by the statement, including any expenditures for events

conducted or approved under KRS 6.611(2)(b)8., 11., or 12., if the expenditures are not reimbursed by the employer; and

- (b) Expenditures made by the legislative agent for informational, educational, or promotional items or activities, and other expenses directly associated with the legislative agent's lobbying activities during the reporting period, if the expenditures were not reimbursed by the employer.

- (4) (a) In addition to the information required by subsection (2) of this section, a statement filed by an employer shall list:

1. The total amount of lobbying-related expenditures made by the employer filing the statement during the period covered by the statement;
 2. A complete and itemized account of all amounts expended for receptions or other events conducted or approved under KRS 6.611(2)(b)8., 11., or 12., including the date and specific location of the event and the name of the group of public servants invited to the event;
 3. A complete and itemized account of all other amounts expended for lobbying, including reimbursements paid to any legislative agent;
 4. The compensation earned by each legislative agent, prorated to reflect the time the legislative agent was engaged in lobbying during the period covered by the statement; and
 5.
 - a. The cost of advertising which appears during a session of the General Assembly, and which supports or opposes legislation, if the cost is paid by an employer or a person or organization affiliated with an employer.
 - b. As used in this subparagraph, "advertising" means statements disseminated to the public either in print, by radio or television broadcast, or by any other electronic means, including Internet or telephonic communications, and may include direct or bulk mailings of printed materials.
- (b) No employer is required to show any expenditure on a statement filed under this

subsection if the expenditure is reported on a statement filed under subsection (2) of this section by a legislative agent engaged by the employer.

- (5) (a) Any statement required to be filed under this section shall be filed at the times specified in KRS 6.807. Each statement shall cover expenditures made during the period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.
- (b) If it is impractical or impossible for a legislative agent or employer to determine exact dollar amounts or values of expenditures, reporting of good faith estimates, based upon reasonable accounting procedures, constitutes compliance with this subsection.
- (6) All legislative agents and employers shall retain receipts or maintain records for all expenditures that are required to be reported pursuant to this section. These receipts or records shall be maintained for a period ending on the thirty-first day of December of the second calendar year after the year in which the expenditure was made.
- (7) Any legislative agent or employer who fails to file a required statement of expenditures, or who fails to remedy any deficiency in his or her filing in a timely manner may be fined by the commission an amount not to exceed one hundred dollars (\$100) per day, up to a maximum total fine of one thousand dollars (\$1,000) without the necessity of a complaint being filed, notwithstanding KRS 6.686(1)(a), but only after notice has been given to the alleged violator of the intent of the commission to impose a fine, including the amount of the fine, and an opportunity has been afforded the alleged violator to appear before the commission or otherwise offer evidence as he or she may choose in mitigation of the imposition of the fine.
- (8) Any legislative agent or employer who intentionally files a statement of expenditures which he or she knows to contain false information or to omit required information shall be guilty of a Class D felony.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 75, sec. 7, effective July 15, 2014. -- Amended 2000 Ky. Acts ch. 493, sec. 8, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 211, sec. 7, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky.

6.824 Statements of financial transactions -- Penalties.

- (1) Any legislative agent who has had any financial transaction with or for the benefit of any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any of the officials listed in this subsection shall describe the details of the transaction, including the name of the official or employee, the purpose and nature of the transaction, and the date it was made or entered into, in a statement filed with the commission with the updated registration statement required by KRS 6.807(3). The statement shall be filed at the times specified in KRS 6.807. Each statement shall describe each financial transaction that occurred during the filing period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.
- (2) Except as provided in subsection (3) of this section, any employer who has had any financial transaction with or for the benefit of any member of the General Assembly, the Governor, the secretary of a cabinet listed in KRS 12.250, or any member of the staff of any official listed in this subsection shall describe the details of the transaction, including the name of the official, the purpose and nature of the transaction, and the date it was made or entered into, in a statement filed with the commission with the updated registration statement required by KRS 6.807(3). The statement shall be filed at the times specified in KRS 6.807. Each statement shall describe each financial transaction that occurred during the filing period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.
- (3) No employer shall be required to file any statement under this section or to deliver a copy of the statement to a public official with whom or for whose benefit the transaction was made if the financial transaction to which the statement pertains is reported by a legislative agent engaged by the employer.
- (4) Any legislative agent or employer who fails to file a required statement of financial transactions, or who fails to remedy any deficiency in his filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars (\$100) per day, up to a maximum total fine of one thousand dollars (\$1,000).

- (5) Any legislative agent or employer who intentionally files a statement of financial interests which he knows to contain false information or to omit required information shall be guilty of a Class D felony.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 30, effective September 16, 1993.

6.827 Dispute resolution with respect to statements of expenditures and statements of financial transactions -- Civil liability for false information.

- (1) An employer or legislative agent who is required to file a statement describing an expenditure or a financial transaction shall deliver a copy of the statement to the official with whom or for whose benefit the transaction was made at least ten (10) days before the date on which the statement is filed.
- (2) If a dispute arises between any member of the General Assembly or a member of the staff of the General Assembly and an employer or legislative agent with respect to an expenditure or financial transaction alleged in a statement to be filed under KRS 6.821 or 6.824, the member, employer, or legislative agent may file a complaint with the commission. The commission shall proceed to investigate the complaint in the same manner as set out in KRS 6.686. The commission shall notify the parties of its final decision by certified mail. If the commission decides the disputed expenditure or financial transaction should be reported, the employer or legislative agent shall include the matter in an amended statement and file the amended statement not later than ten (10) days after the employer or agent receives notice of the decision of the committee by certified mail.
- (3) An employer or legislative agent who files a false statement of expenditures or details of a financial transaction is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 31, effective September 16, 1993.

6.829 Commission's duties with respect to legislative lobbying.

- (1) The commission shall review each registration statement, expenditure statement, and financial

transaction statement filed with the commission, to determine whether the statement includes all the information required. If the statement does not include all the required information, or a legislative agent or employer has failed to file a registration statement, the commission shall send notification by certified mail to the person who filed the statement regarding the deficiency in the statement, or to the person who failed to file the statement regarding that failure. Any person so notified by the commission shall, not later than ten (10) days after receiving the notice, file a registration statement or an amended statement that does include all the information required.

- (2) The commission shall keep on file the statements required by KRS 6.807, 6.821, and 6.824. Those statements are public records and open to public inspection, and the commission shall computerize them so that the information contained in them is readily accessible to the general public. The commission shall provide copies of the statements to the general public upon request and may charge a reasonable fee not to exceed the cost of copying each statement.
- (3) The commission shall prescribe and make available an appropriate form for filing the information required by KRS 6.807, 6.821, and 6.824. The form shall contain the following notices in boldface type: "ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS IN VIOLATION OF STATE LAW AND SUBJECT TO FINES AND OTHER PENALTIES."
- (4) The commission shall publish a handbook that explains this code in clear and concise language, and make it available free of charge to members of the General Assembly, legislative agents, employers, and any other interested persons.
- (5) On or before the fifteenth day of February of each year, the commission shall, in a manner and form it determines, publish a report containing statistical information on the registration statements filed with it during the preceding year.
- (6) Any regulations promulgated by the commission to implement this code shall be adopted in accordance with KRS Chapter 13A.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 32, effective September 16, 1993.

SELECTED STATUTES FROM OTHER KRS CHAPTERS

45A.340 Conflicts of interest of public officers and employees.

- (1) No officer or employee of the General Assembly, or officer or employee of an agency as defined in KRS 45A.335, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.
- (2) No officer or employee of an agency or member of a state board or commission, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employee may be called upon to act or vote. No such officer or employee may represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employee may be called upon to act or vote. Nor may any such officer or employee take, solicit, or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five percent (5%) of the stock of a corporation is not considered an interest.
- (3) No officer or employee of the General Assembly or officer or employee of any agency shall, for compensation, appear before an agency as an expert witness.
- (4) No officer or employee of the General Assembly, or officer or employee of any agency, shall act as officer or agent for the Commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association, or firm in which he or his spouse has any interest greater than five percent (5%) of the total value thereof.
- (5) No officer or employee of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten percent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, sale, or purchase of the value of twenty-five dollars (\$25) or more, made, entered into, awarded or granted by any agency, unless said contract, agreement, sale or purchase:
 - (a) Was made or let after public notice and competitive bidding; or
 - (b) Results from the sale of a craft item to a state park if the employee is an interim state park

employee designated as a craftsperson under KRS 148.257.

- (6) No officer, employee, or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application, or other matter which is before said agency or before the department of state government in which said agency functions.
- (7) No member of a board of trustees or regents shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding in compliance with KRS Chapter 45A, unless such trustee or regent shall have been the lowest bidder and unless such trustee or regent shall have first notified in writing the remaining members of the board, and to the newspaper having the largest circulation in the county in which the state university is located, of his intention to bid on such contract.

521.020 Bribery of public servant.

- (1) A person is guilty of bribery of a public servant when:
 - (a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity as a public servant; or
 - (b) While a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will thereby be influenced.
- (2) It is a defense under this section if a person confers or agrees to confer any pecuniary benefit upon a public servant as a result of conduct of the public servant which constitutes extortion or coercion.
- (3) It is no defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way because he had not yet assumed office, lacked jurisdiction, or for any other reason.
- (4) Bribery of a public servant is a Class C felony.

521.030 Soliciting unlawful compensation.

- (1) A public servant is guilty of soliciting unlawful compensation when he requests a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.
- (2) Solicitation of unlawful compensation is a Class B misdemeanor.

521.040 Unlawful compensation for assistance in public matters.

- (1) A person is guilty of unlawful compensation for assistance in public matters when:
 - (a) While a public servant, he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing a bill, contract, claim or other transaction or proposal as to which he knows that he is likely to have an official discretion to exercise; or
 - (b) He offers, pays or agrees to pay compensation to a public servant for advice or other assistance in preparing or promoting a bill, contract, claim or other transaction with knowledge that acceptance by the public servant is unlawful.
- (2) Unlawful compensation for assistance in public matters is a Class A misdemeanor.

522.010 Definitions.

The following definitions apply in this chapter, unless the context otherwise requires:

- (1) "Public servant" means:
 - (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state; or
 - (b) Any person exercising the functions of any such public officer or employee; or
 - (c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or
 - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.
- (2) "Benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary.

522.020 Official misconduct in the first degree.

- (1) A public servant is guilty of official misconduct in the first degree when, with intent to obtain or confer a benefit or to injure another person or to deprive another person of a benefit, he knowingly:
 - (a) Commits an act relating to his office which constitutes an unauthorized exercise of his official functions; or
 - (b) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or
 - (c) Violates any statute or lawfully adopted rule or regulation relating to his office.
- (2) Official misconduct in the first degree is a Class A misdemeanor.

522.030 Official misconduct in the second degree.

- (1) A public servant is guilty of official misconduct in the second degree when he knowingly:
 - (a) Commits an act relating to his office which constitutes an unauthorized exercise of his official functions; or
 - (b) Refrains from performing a duty imposed upon

him by law or clearly inherent in the nature of his office; or

- (c) Violates any statute or lawfully adopted rule or regulation relating to his office.
- (2) Official misconduct in the second degree is a Class B misdemeanor.

522.040 Misuse of confidential information.

- (1) A public servant is guilty of misuse of confidential information when, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he:
 - (a) Accepts or agrees to accept a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action; or
 - (b) Speculates or wagers on the basis of such information or official action; or
 - (c) Aids another to do any of the foregoing.
- (2) Misuse of confidential information is a Class D felony.

SELECTED SECTIONS FROM THE CONSTITUTION OF KENTUCKY

KENTUCKY CONSTITUTION

may be filled by the election of the people.

Section 38 Each House to judge qualifications, elections, and returns of its members -- Contests.

Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

Section 45 Collector of public money ineligible unless he has quietus.

No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

Section 39 Powers of each House as to rules and conduct of members -- Contempt -- Bribery.

Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly, or either House thereof, or a Committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

Section 57 Member having personal interest to make disclosure and not vote.

A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

Section 165 Incompatible offices and employments.

No person shall, at the same time, be a State officer or a deputy officer or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employee thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a Notary Public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

Section 43 Privileges from arrest and from questioning as to speech or debate.

The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Section 237 Federal office incompatible with State office.

No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

Section 44 Ineligibility of members to civil office created or given increased compensation during term.

No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as

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KENTUCKY LEGISLATIVE ETHICS COMMISSION

SUMMARY OF ADVISORY OPINIONS

NOTE: These opinion briefs are summaries of advisory opinions and are not to be read as a substitute for the law or the full advisory opinion text. For a complete text of any advisory opinion, contact the Kentucky Legislative Ethics Commission.

1993

OLEC 93-1 The Code of Legislative Ethics does not prohibit the employer of a legislative agent from giving anything of value to the Kentucky Federation of Women's Clubs, although a legislator's spouse is an officer of the organization.

OLEC 93-2 An association that employs a legislative agent may not invite individual legislators to a series of events which provide food and golf, even if all members of the General Assembly would be invited over a two-year period.

OLEC 93-3 Cities are not subject to the Code requirements related to lobbying unless they engage a person whose *primary responsibility* during a session is to lobby.

OLEC 93-4 The new Code of Legislative Ethics prohibits legislators from attempting to influence a state agency in direct contravention of the public interest at large.

OLEC 93-5 If an Association invites only members of a recognized caucus to a dinner meeting, the Association does not have to report the amount spent on each legislator. The total spent on the function is reportable on the statement of expenditures filed by each legislative agent and employer.

OLEC 93-6 If a trade association has not employed or retained a member of the association for compensation to lobby, then that person would not be the trade association's legislative agent.

OLEC 93-7 A member of the General Assembly is prohibited under provisions of the Ethics Code from representing for compensation, a client whose case would involve money damages against Kentucky state institutions of higher education. Cases in this class begun prior to the effective date of Senate Bill 7, February 18, 1993, may be completed. In cases initiated subsequent to February 18, 1993, a lawyer/legislator should withdraw in these legal proceedings.

OLEC 93-8 If a legislator has a meal at the home of a close friend who is a legislative agent, the legislator could pay the legislative agent a reasonable amount for the meal and no reporting by the legislative agent would be required. Otherwise, KRS 6.821(2) requires the legislative agent to report the expenditure on the appropriate statement of expenditures. These expenditures shall be reported by the legislative agent on the statement of expenditures, filed periodically with the updated registration statement, calculated on the basis of a calendar year, January 1 through December 31. The legislative agent is only required to report expenditures on behalf of a member of the General Assembly or his immediate family. Expenditures on behalf of a date would not be reported.

KRS 6.744(5) prohibits representing a client before a state agency in matters related to licensing or permitting when the legislator/attorney is compensated.

OLEC 93-9 Members of the General Assembly may pursue employment in the private sector and be compensated for that employment so long as it is unrelated to their position as a legislator. The fact that a potential employer is registered with the Commission and retains a legislative agent would not be an issue so long as the employment is related strictly to service that is unrelated to the position of legislator.

OLEC 93-10 Under the provisions of the Ethics Code, a legislator and spouse may accept tickets to an event and attend a reception associated with an event that is sponsored by or in conjunction with a civic, charitable, governmental organization, or to which all members of the General Assembly are invited. If sponsors of the event employ a legislative agent, the employer is subject to the reporting requirements of KRS 6.821.

OLEC 93-11 A lawyer/legislator may represent a client seeking self-insurer status with the Kentucky Workers' Compensation Board in that such activity involves a ministerial function and is therefore permitted under KRS 6.744.

OLEC 93-12 A legislator may accept complimentary registration at an educational seminar sponsored by an employer who engages a legislative agent so long as all members of the Kentucky Senate or the Kentucky House of Representatives, or both, are invited. The employer is subject to the reporting requirements of KRS 6.821.

OLEC 93-13 A legislator may not serve on a Board of Directors where the organization exists primarily to advance legislative strategies. A legislator would be free to support the organization's goals and policies when the legislator is so inclined in the independent exercise of judgment.

OLEC 93-14 A legislator may support intervener status for a constituent in a case pending before the Kentucky Public Service Commission in that intervener status is granted as a matter of right to petitioners with an interest in the proceeding. Therefore the legislator is not engaged in an effort to influence a state agency.

OLEC 93-15 The Code of Ethics would allow a lawyer in a firm with a partner who is a member of the General Assembly to serve as bond counsel for a client engaged in underwriting tax free bonds for school districts, cities, counties, and the State of Kentucky. The lawyer/legislator could also provide legal assistance in this area for the client so long as the work did not conflict with the provisions of KRS 6.744 limiting certain areas of practice before state agencies for lawyer/legislators.

OLEC 93-16 An individual legislator may be invited and attend meetings, receptions and other events sponsored by legislative agents and/or employers so long as items associated with the event are limited to "food and beverages consumed on the premises" or certain promotional or educational items. Legislative agents and employers are required to report such expenditures for each legislator and the legislator's family.

OLEC 93-17 Members of the General Assembly may participate in a wide range of charitable events, including the solicitation of contributions on behalf of charitable, civic, or education entities so long as the solicitations are broad-based and not directed solely or primarily at legislative agents.

The acceptance of a complimentary membership in a state university recreation facility offered to a legislator and family would constitute a gift and is prohibited by KRS 6.751(1). The acceptance of annual airport parking passes by caucus members would be in violation of KRS 6.751(1) of the Code.

OLEC 93-18 (This opinion superseded by OLEC 13-01 issued July 2013) Individual members of the General Assembly may be invited to a banquet sponsored by a state association that retains legislative agents. Details of internal funding of the food and beverages consumed on the premises at the banquet by the legislator invitee would not change the character of the event. The association would be required to report these expenditures for individual legislators and spouses as appropriate. Expenditures by local cooperatives for meal and beverage expenses associated with the banquet should be reported to the state association so that the appropriate reports required by the Code can be completed.

OLEC 93-19 A member of the General Assembly may recommend a constituent or non-constituent to a state agency for employment so long as that person is not a family member or business associate. Such an activity is an information process and not an attempt to influence the agency to act contrary to the public interest.

A lawyer/legislator may not represent the Kentucky Department for Social Insurance for compensation. It is expressly prohibited by KRS 6.744(6).

OLEC 93-20 A legislative agent may accept a free ticket to a campaign fund raising event for a member of the General Assembly so long as it is an authentic gift and not an artificial transaction designed to avoid the prohibition of the Code of Ethics on campaign contributions by a legislative agent to a legislator, a candidate, or his campaign committee.

OLEC 93-21 A member of the General Assembly may attend a dinner of a professional society. If the Society employs a legislative agent, there would be reporting requirements on the part of the Society.

A plaque presented as part of a speaking engagement would not be considered an honorarium. The Code provides that "a certificate, plaque, or a commemorative token of less than one hundred fifty dollars (\$150) value" is not considered "anything of value" and may be accepted by a member of the General Assembly.

Members of the General Assembly as a part of their constituent services may present information on constituent concerns to appropriate state agencies. Such contacts are informational in nature and do not constitute an attempt to influence a state agency in direct contravention of public interest at large.

The Code of Ethics does not restrict a member of the General Assembly in making presentations to groups on any subject.

A legislator may write a letter on his official stationery to an agency of state government supporting a request by a constituent for a grant or in support of the appeal of a grant application. Such contacts are informational in nature and do not constitute an attempt to influence a state agency in direct contravention of the public interest at large.

OLEC 93-22 A member of the General Assembly engaged in business activity outside the area of the legislative process may enter a competitive bid process to supply building materials for a building owned and occupied by an organization that employs a legislative agent. The names of any clients who are legislative agents or employers must be reported in a legislator's financial disclosure form. A legislative agent and employer are required to report any financial transaction with or for the benefit of any member of the General Assembly.

OLEC 93-23 A properly licensed lawyer/legislator may represent a client in an action against the Division of Unemployment Compensation Insurance proceeding where a client disagrees with the assessed rate of contribution.

OLEC 93-24 A properly licensed legislator may represent criminal defendants, for compensation, in a court in any proceeding not otherwise prohibited by the Code or the Rules of Professional Conduct.

A lawyer/legislator may represent a client before a state agency in negotiations related to a condemnation proceeding. In condemnation actions, if the negotiations are unsuccessful, the Department of Highways must file a petition in the circuit court of the county where the property lies and a decision is then made based on the evidence presented. Because the petition is filed by the agency rather than by the property owner, and because the owner is trying to establish the fair market value rather than seeking money damages, this would not be a prohibited action against the Commonwealth for money damages.

KRS 6.744(5) prohibits representing a client before a state agency in matters relating to licensing or permitting when the lawyer/legislator is compensated.

KRS 6.744(8) provides that essentially there are no restrictions on activities of law partners of legislators, other than the requirement that legislators disclose on the financial disclosure report activities of partners in areas where the legislator cannot practice.

A legislator would not be prohibited from serving on the board of a private community college. The college is presented as being strictly private, and not created pursuant to any specific statutory authority delegating Executive Branch powers which might give rise to constitutional issues. The corporation has no apparent legislative agenda, and employs no agents. A legislator may serve on this board and accept refreshments served at meetings. Neither the legislator nor the corporation has any reporting requirement as a result of these functions.

OLEC 93-25 Members of the General Assembly as a part of their constituent services may present information on constituent concerns to appropriate state agencies. Such contacts are informational in nature and do not constitute an attempt to influence a state agency in direct contravention of the public interest at large.

OLEC 93-26 The Code of Ethics prohibits a member of the General Assembly from accepting an honorarium in connection with an appearance, speech, or article related to his official duties. A legislator should not attempt to exercise any control over a proposed honorarium by directing it to another individual or organization.

OLEC 93-27 A member of the General Assembly may solicit contributions on behalf of charitable, civic, or educational entities provided the solicitations are broad-based and are not directed solely or primarily at legislative agents. Personal stationery should be used in these solicitations rather than official legislative stationery.

OLEC 93-28 A business/community organization that engages a legislative agent would be required to report the aggregate amounts spent on behalf of legislators at an event to which all members of the General Assembly are invited.

OLEC 93-29 The Ethics Code does not limit meetings between legislators and the public to discuss issues of mutual concern. KRS 6.611(2)(b)(2) of the Code provides that a legislator may accept food and beverages from a person other than a legislative agent or employer. The fact that members of the association may participate in other coalitions that employ a legislative agent would not change the status.

OLEC 93-30 A legislator may serve as a member of the Board of a local chamber of commerce so long as formal action is taken by the legislator to disassociate himself or herself from all activities related to influencing the General Assembly and directing a legislative agent. Service as Chairman of the Board would not be permitted under the Code as a legislator would not be able to effectively disassociate himself or herself from legislative activities in this key leadership role.

OLEC 93-31 KRS 6.787 (2)(1) does not require a legislator/owner of a business entity offering for sale goods and related services to the public to list the names of customers of the business who happen to be legislative agents or employers on statements of financial interests filed by the legislator/owner.

OLEC 93-32 Members of an association who are unpaid volunteers and who are encouraged but not directed to engage in legislative activities on behalf of the association are not required to register with the Commission before participating in legislative activities on behalf of the association.

OLEC 93-33 Unless an individual member of the association has been engaged by an employer through a specific agreement to lobby for compensation and given direction on the lobbying activities to be accomplished and further pursues these legislative objectives through the association's lobbying campaign, a member of the association would not be required to register as a legislative agent.

OLEC 93-34 Members of the General Assembly may participate in local governmental activities, but are subject to the general standards of conduct set out in KRS 6.731. The Code of Ethics does not regulate contributions by legislators.

OLEC 93-35 A lawyer/legislator may not represent clients for compensation before the Interim Office of Health Planning and Certification.

OLEC 93-36 A legislator may accept season football passes from local board of education to public school games because they are excluded from the definition of "anything of value" within the Legislative Ethics Code.

OLEC 93-37 A legislator may be a member of a trade association established to accomplish a variety of activities, only one of which includes legislative activity. The legislator should not participate in any trade association activity involving legislative lobbying.

A legislator may be a member of the Board of Directors of a local bank when the bank is a member of the Kentucky Bankers Association, which employs a legislative agent. The Board of Directors engages in a wide range of banking related activities, only one of which includes membership in the Kentucky Bankers Association. The legislator, acting in the capacity of a local bank Board Director would be prohibited from participating in local bank board actions which are intended to influence the General Assembly. The legislator should formalize his or her separation from these activities by filing a written memorandum with the Board of Directors of the local bank. A copy of the memorandum should be sent to the Legislative Ethics Commission.

Members of the General Assembly may pursue employment in the private sector and be compensated for that employment so long as it is unrelated to their position as a legislator. KRS 6.611(2)(b)(2) states "anything of value does not include compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a legislator by the legislator's private employer..."

OLEC 93-38 The Kentucky Retirement Systems is a de jure municipal corporation within the context of KRS 6.611(22)(b)(3), and any employees whose most important, or fundamental, responsibility during sessions of the General Assembly is to lobby must be registered as a legislative agent.

OLEC 93-39 A legislator may practice law as a partner in a firm that has one or more lawyers who are registered legislative agents. The legislator/partner must refrain from activity that advances legislative strategies of clients who have engaged lawyers of the partnership as legislative agents. The legislator/partner must not share, directly or indirectly, in any compensation the partnership receives as a result of a partner's activities as a legislative agent.

OLEC 93-40 A legislator conducting private business should be aware of the financial disclosure provisions of KRS 6.787, requiring disclosure of the legislator's sources of gross income and form of the income. The legislator whose private business is one of personal service has a client under the Code and would be required to disclose the names of clients who are legislative agents or employers. If a legislator accepts a luncheon in the client/business person capacity, that expenditure would be reportable when the client is a legislative agent or employer. Whether a legislator is acting in a public or private capacity certain provisions of the Code are applicable.

OLEC 93-41 The Code prohibits a lawyer/legislator from representing for compensation the Commonwealth or any state agency. Therefore, a lawyer/legislator would be prohibited from providing legal counsel to the Commissioner of Insurance on any matter within the Commissioner's statutory responsibilities. A lawyer/legislator is prohibited from receiving compensation related to activities of a firm in areas the lawyer/legislator is not permitted to practice under the Code.

OLEC 93-42 Providing boxes at an entertainment facility for individual legislators and spouses by an "employer" or a "legislative agent" without charge would violate the Code of Ethics.

OLEC 93-43 Where hourly employees are provided information on legislation that may affect the company and encouraged but not directed to communicate with their individual representative such activity would not meet the standards of the Code for registration as a legislative agent. This would be the case whether the contact with legislators occurs during working hours or non-working hours so long as the activities are completely voluntary and not subject to any direction, supervision, or monitoring by management.

OLEC 93-44 The Code prohibits a legislative agent from exercising control over a campaign contribution from a PAC and directing it to a specific state legislator, candidate or committee. In addition, a legislative agent should not serve as an officer of a PAC that makes contributions to state legislators, candidates or committees and should not physically deliver PAC contributions to a legislator, candidate or committee

OLEC 93-45 Subject to the exceptions listed in KRS 6.744, a lawyer/legislator may represent a local school board in his private law practice.

OLEC 93-46 The Code of Ethics places no prohibitions on legislators working as volunteers in the charitable gaming activities of a church.

OLEC 93-47 **Withdrawn**

OLEC 93-48 Technical experts and executives from a company may assist a legislative agent in presenting the company's position to members of the legislature without registering a legislative agent with the Commission so long as their legislative activity is limited to appearing before public meetings of legislative committees, subcommittees or task forces, or public hearings, or meetings of public agencies. Within seven days of being retained specifically to lobby, or within seven days of the point when it is clear that at least a portion of one's employment responsibilities will be lobbying activity, registration is required.

OLEC 93-49 A legislator would be prohibited from accepting a ticket to a sporting event from a law firm where a partner is a legislative agent, unless the legislator pays the firm the value of the ticket.

OLEC 93-50 Expenditures for certain qualifying events may be reported in the aggregate, identifying the group invited rather than the individual legislators, and without counting the expenditure toward the \$100 per calendar year limit which applies to expenditures for food and beverages consumed on the premises for individual legislators expended by employers or legislative agents.

Public servants acting in their fiduciary capacity as representatives of local governments are not legislative agents unless their primary responsibility during sessions of the General Assembly is to lobby.

OLEC 93-51 A family member of a legislator may accept a scholarship from a state university awarded on merit and without influence on the part of a member of the General Assembly and with out any intention by a state university official to confer a benefit on a legislator. Such a scholarship is an "educational item" and excluded from anything of value under the Code.

OLEC 93-52 Associations, and other entities, which make arrangements to compensate a legislative agent acting on their behalf are "employers" under the Kentucky Code of Legislative Ethics, and they must register with the Commission and provide the required updated reports detailing their expenditures. Their status does not change by passing the compensation through an intermediary organization.

OLEC 93-53 A legislator may serve as an ex-officio member of a non-Kentucky film commission. Membership on another state's film commission is not a position referred to in the Code of Ethics, as incompatible with service as a legislator. The legislator must disassociate himself or herself from any foreign state request for funding from the Kentucky Film Commission.

OLEC 93-54 A legislator would be prohibited from soliciting help from a legislative agent in obtaining a campaign contribution from a PAC.

OLEC 93-55 (This opinion superseded by OLEC 95-15 issued October 1995 and by OLEC 98-2 issued January 1998) A member of the General Assembly may properly solicit and accept campaign contributions. Legislative agents may not make a campaign contribution to a legislator, a candidate, or his campaign committee or serve as a campaign treasurer, or as a fund raiser. A legislator, a candidate, or his campaign committee is prohibited from accepting a campaign contribution from a legislative agent or soliciting help from a legislative agent in obtaining a campaign contribution. Public funds, time, personnel, and official stationery or facsimile cannot be used in fundraising.

Campaign contributions solicited or accepted during a regular session or a special session of the legislature or in close proximity to these sessions from an individual or entity with a clear and direct interest in legislation should be subjected to a high level of scrutiny both by an individual legislator and by the Commission so as to avoid any appearance that such contributions were an attempt to influence a legislator's vote, opinion, judgment, or exercise of discretion.

OLEC 93-56 A member of a legislator's family may apply for a position at a state university so long as the legislator does not advocate or cause the employment of the family member. KRS 6.754(2).

OLEC 93-57 Members of the General Assembly may attend workshops related to their employment in the private sector without any reporting requirements under the Code of Ethics. Approval by the Legislative Research Commission for out of state travel connected with such a workshop would not be required.

OLEC 93-58 A number of sections of the Ethics Code apply to all staff of the legislative branch of state government. A member of the General Assembly is prohibited from requesting a legislative staff person to perform any activity during the workday not associated with the performance of legislative duties. In addition, a member of the General Assembly is prohibited from using a legislative staff person in partisan political campaign activity during the workday. Lobbying expenses and expenditures by "employers" and "legislative agents" related to legislative staff must be reported in updated registration statements. Any activity which is prohibited under the Code of Ethics on the part of a member of the General Assembly or an "employer or legislative agent" would be unlawful if accomplished through staff.

OLEC 93-59 A public employee who is registered as a legislative agent for a state association would not be required to also register on behalf of his employer unless the employee had been engaged for compensation to lobby. (OLEC 93-32). The reimbursement of expenses for members of a state association engaged in lobbying activities does not constitute compensation under the Code of Ethics and require registration. (KRS 6.611(21)(b)). Using annual leave time to engage in legislative activity on behalf of a state association would not require registration as a legislative agent of the association. (OLEC 93-32).

OLEC 93-60 Members of the General Assembly may serve on area development districts, the Western Kentucky Corporation and tourist and convention commissions without violating KRS 6.764 of the Code of Ethics. Constitutional issues raised by service on these entities are outside the jurisdiction of the Ethics Commission and are addressed in OAG 93-70. The General Assembly will review issues in this area during the 1994 Session.

OLEC 93-61 KRS 6.761 of the Code of Ethics contains a clear and definitive standard for the determination of conflict of interest on the part of legislators. Legislators are prohibited from discussing, or making a decision in an official capacity on any matter in which the legislator, the legislator's family, or the legislator's business associates will derive a direct monetary gain or suffer a direct monetary loss and on a matter which relates specifically to a business in which the legislator owns or controls an interest of ten thousand dollars (\$10,000) or an interest of more than five percent (5%).

However, the subsequent legislative language in effect negates the standard for determining conflict of interest by excluding legislative issues that provide a benefit or detriment to a legislator "which accrues generally to other members of [a] business, profession, occupation, or other group." Only a legislator with a personal or private interest in a bill would be required to disclose his interest and refrain from voting. Even this extremely limited standard is qualified by a direction that the case be clear and particularly personal. In effect, this section of the Code would limit conflicts of interest to what amounts to private legislation passed solely for the benefit of an individual legislator.

OLEC 93-62 The Kentucky Code of Legislative Ethics places no restrictions on the areas of law in which a properly licensed partner of a member of the General Assembly may practice. In OLEC 93-41 the Commission held that while it is permissible for another member of a law firm to provide legal counsel in areas where the lawyer/legislator is not permitted to practice, a lawyer/legislator is prohibited from receiving directly or indirectly any compensation related to any such activities.

OLEC 93-63 A law firm with a legislator/lawyer partner may, on the same fee basis charged to other box holders, purchase a box at an entertainment facility that is an employer of a legislative agent. The Code of Ethics applies to the activity of individual legislators and does not extend to the activity of other members of a firm.

A legislator may continue to purchase on the same fee basis charged to other box holders a box at an entertainment facility that employs a legislative agent so long as such opportunity was provided to the legislator's family prior to his service in the General Assembly. The opportunity to purchase the box arose as a result of his family's relationship to the facility and not as a result of his official position as a member of the General Assembly.

OLEC 93-64 A legislative agent may provide a wide range of information to a PAC engaged in the process of developing contribution strategies related to legislative candidates. Pursuant to OLEC 93-44, a legislative agent is prohibited from exercising control over a campaign contribution or PAC and directing it to a specific state legislator, candidate or committee.

OLEC 93-65 A member of the Workers' Compensation Council who also is registered as a legislative agent or employer with the Ethics Commission is not required to report pursuant to KRS 6.821 as to any of his or her activities performed within the mandate of KRS 342.0012. The Ethics Commission is not authorized to regulate or require registration by a member of the Workers' Compensation Council by reason of his or her activities performed within the mandate of KRS 342.0012.

OLEC 93-66 (This opinion superseded by OLEC 98-5 issued November 1998) A legislator may properly purchase tickets to an event sponsored by an entertainment facility that employs a legislative agent so long as all members of the General Assembly are invited to the event. A legislative agent of the facility may properly assist in disbursement of seats for the events so long as ticket allocations and seating arrangements are reasonably uniform for all members of the General Assembly. Expenditures related to legislator and spouse attendance at the events beyond the purchase price of the tickets are required to be reported in updated registration.

OLEC 93-67 A legislative agent may volunteer for a wide range of campaign activities on behalf of legislative candidates so long as they are not directed in this activity by an "employer" and do not engage in any fund-raising activity. A legislative agent may also place campaign material on their property, automobile, or person. Spouses or immediate family members of legislative agents are not prohibited by the Code from campaign work, including making a campaign contribution, so long as a legislative agent is not seeking to accomplish through them a prohibited activity.

OLEC 93-68 A county or city government that is an employer of a legislative agent may provide office space and other support services to members of the General Assembly representing that jurisdiction so long as all legislators in the jurisdiction have equal access to the services. The service arrangement should be formally approved by the appropriate governing body in a jurisdiction and publicly announced. The cost of these services should be reported to the Commission and the legislative agent should not be associated with the establishment or delivery of these support services.

OLEC 93-69 Public servants employed by special districts are required to register as legislative agents if their primary responsibility during sessions of the General Assembly is to lobby. Attorneys retained by special districts are not public servants, and must register as legislative agents if they engage in lobbying activity.

OLEC 93-70 A teacher who is a member of a local teacher association would be required to register with the Commission as a legislative agent in a situation where the teacher enters into an agreement to lobby on behalf of the association, is directed in that activity and the association provides association leave time to the teacher for such activity and further reimburses the local school district certain costs related to the teacher's absence.

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OLEC 94-1 KRS 6.611(2)(b)(5) and (6) provides that "informational" or "promotional items" as well as "educational items" are excluded from the definition of "anything of value" under the Code of Ethics. A publication on tax issues relating to legislators would fall within these exclusions and could properly be distributed to all members of the General Assembly.

OLEC 94-2 Under the Code of Ethics, it would not be appropriate for a legislator to co-sponsor an event designed to advance the legislative agenda of an employer of a legislative agent. KRS 6.606 requires that a public official be independent and impartial. In addition, KRS 6.731 prohibits a legislator from using his official position to secure a privilege or advantage for others. Co-hosting of an event sponsored by an employer of a legislative agent would constitute an advantage for that particular employer over other employers with legislative agendas.

OLEC 94-3 (This opinion superseded by OLEC 98-2 issued January 1998) A member of the General Assembly may solicit contributions from individuals or political action committees for a political organization under the Code of Ethics. In OLEC 93-54, the Commission expressed the view that "contributions solicited or accepted during a regular or special session of the legislature or in close proximity to these sessions from an individual or entity with a clear and direct interest in legislation should be subjected to a high level of scrutiny both by an individual legislator and by the Commission so as to avoid any appearance that such contributions were an attempt to influence a legislator's vote, opinion, judgment, or exercise of discretion."

"Close Proximity" to a session of the General Assembly commences prior to a session at that point of nearness which would lead such person reasonably to conclude that the contributions were solicited or received for improper purposes. "Close proximity" after a session ends at a point in time sufficiently far removed from the hue and cry as reasonably required to avoid the appearance of impropriety.

KRS 6.611(21) defines "legislation" as meaning "bills, resolutions, amendments, nominations, and any other matter pending before the General Assembly or any of its interim committees, or the executive approval or veto of any bill acted upon by the General Assembly. Therefore, a bill does not need to be filed or pre-filed to be "legislation."

An individual or entity need not be regulated by legislation in order to have a "clear and direct" interest in the legislation. However, the interest must be specific enough to carry the potential for some gain or loss from the legislation not to be shared by members of the public generally. Therefore, the general interest of an ordinary citizen in business issues, taxation levels, and the state's economy would not be considered "clear and direct."

Candidates for nomination or election to the General Assembly are governed by certain provisions of the Code of Legislative Ethics as are incumbents. Candidates for other offices are not covered except in the case of an incumbent legislator who is running for another office.

OLEC 94-4 (This opinion superseded by OLEC 94-36 issued August 1994) "Lobby" is defined by KRS 6.611(26)(a). "Legislation" is defined by KRS 6.611(21). Based on these definitions, expenses and expenditures related to regulations which have not been filed with the regulations compiler are not required to be reported on the updated registration statement. However, once a proposed regulation has been filed with the regulations compiler for publication and review, it becomes a matter pending before a committee of the General Assembly, and expenses and expenditures incurred as a result of communication with members of the General Assembly, or with any of the other individuals listed in KRS 6.611(26)(a) are required to be reported on the updated registration statement.

OLEC 94-5 KRS 6.821 requires legislative agents and their employers to report expenses and expenditures directly related to lobbying activities during a reporting period. The activity which triggers the requirement to report an expense or expenditure is the communication of a legislative agenda to a member of the General Assembly, or to any of the other individuals listed KRS 6.611(26)(a). Once communication takes place, it is necessary to report all expenses and expenditures involved in planning, developing, coordinating, or implementing the agenda.

OLEC 94-6 A legislator may pursue employment in the private sector and be compensated for that employment so long as it is unrelated to their position as a legislator. KRS 6.611(2)(b)(2) states "anything of value does not include compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a legislator by the legislator's private employer..." A legislator may continue private sector employment as the executive director of a nonprofit organization that does not engage in legislative activities.

The Code of Ethics does not prohibit transactions between a nonprofit corporation that employs a legislator as executive director and state agencies. KRS 6.734 places certain restrictions on legislators and candidates with regard to state contracts, but does not restrict such activities on the part of private sector employers. Therefore, these activities would be outside the jurisdiction of the Commission, absent a finding that the activity in question was somehow related to a legislative matter.

In OLEC 93-60 the Commission addressed general questions regarding the propriety of legislator service on various governmental boards. As stated in OLEC 93-60, the Commission has jurisdiction to address questions relating to Section 6.764, dealing with offices incompatible with being a legislator. A local private industry council is a quasi governmental entity created by local government to implement the federal Job Partnership Training Act. Because a local private industry council is not an entity of state government nor an entity which has statutory authority to levy taxes or set rates, as set forth in KRS 6.764, board membership is not an incompatible office. A legislator would not be prohibited from service as a board member of the local private industry council.

OLEC 94-7 A student intern who engages in legislative activity on behalf of a state-wide association without compensation, but is reimbursed for expenses is not required to register with the Commission.

Where a member organization's compensated employee performs lobbying activity on behalf of an association pursuant to an understanding between the member organization and a state-wide association, the entity that directs and controls the lobbying activity of the employee is required to register with the Commission as an employer of the legislative agent.

The fact that lobbying activities of a member organization may provide an incidental benefit to other member organizations of a state-wide association with similar interest would not be sufficient to require the listing of such other organizations as real parties in interest.

OLEC 94-8 In pursuing private sector employment activities a legislator should not be involved in hiring or directing the activities of a legislative agent. In addition, a legislator is precluded from participating in activities of his employer related to developing a legislative agenda to be communicated to members of the General Assembly and in activities that involve directing PAC funds of the employer to certain candidates for election to the General Assembly, including incumbent members.

It would appear that a legislator who is an Executive Officer and Executive Board member of an organization that is employer of a legislative agent and pursues a legislative agenda would be in violation of the Code of Ethics unless it could be shown that the legislator, in fact, had disassociated himself or herself from all activities of the employer regarding legislative agents, legislative agendas and direction of PAC funds.

OLEC 94-9 An open house and lunch sponsored by a state agency to display products for members of the General Assembly is not covered by the Code of Ethics. KRS 6.611(2)(b) provides that "a public servant acting in his fiduciary capacity as a representative of his agency. . ." is not a legislative agent.

OLEC 94-10 A state association registered with the Commission as an employer of a legislative agent may give members of the General Assembly seedlings in connection with Arbor Day. KRS 6.611(2)(b)(5) and (6) provides that "informational" or "promotional items" as well as "educational" items are excluded from the definition of "anything of value" under the Code of Ethics. The seedlings in question would fall within these exclusions and could properly be distributed to all members of the General Assembly.

OLEC 94-11 A state association in the media area that is registered with the Commission as an employer may continue a public affairs series of 60 seconds interviews with legislators. KRS 6.611(2)(b)(5) and (6) provides that "informational" and "educational items" are excluded from the definition of "anything of value" under the Code of Ethics. The taped interviews in question would fall within these exclusions and could properly be filmed and distributed to local cable operators. These programs will increase citizen awareness of legislative issues. However, all members of the General Assembly must be given an opportunity to participate in the program.

OLEC 94-12 A legislative agent who is a joint owner of real-estate with a member of the General Assembly, or with a secretary of a cabinet listed in KRS 12.250, must report the activity as a financial transaction on each updated registration statement for as long as the activity continues.

OLEC 94-13 Each legislative agent and employer must list the name, bill number, or a brief description of the legislative action for which the legislative agent is or will be engaged in lobbying on the initial registration statement. A listing of specific bills or resolutions lobbied during the reporting period is required on the updated registration statement. Listing all bills introduced in the General Assembly does not meet the reporting requirements of the Code. Bills or resolutions monitored, but not lobbied need not be reported.

OLEC 94-14 Lobbying includes direct communication concerning legislation with the Governor, the secretary of any cabinet listed in KRS 12.250, or any member of the staff of any of these officials. An individual who has been engaged by an employer to lobby and is in contact with these officials on issues related to legislation must register with the Commission. An individual appearing at public hearings or meetings of public agencies would not be required to register as a legislative agent with the Commission.

OLEC 94-15 In OLEC 93-32, the Commission advised that "members of an association who are unpaid volunteers and who are encouraged but not directed to engage in legislative activities on behalf of the association are not required to register with the Commission before participating in legislative activities on behalf of the association." The fact that an organization may benefit financially from the legislative activities of volunteer board members would not trigger a registration requirement.

Meetings between volunteer board members and legislators are not required to be reported under the Code of Ethics. Registration by a volunteer board member on behalf of his employer "would only be required in limited situations where an individual member of the association has been engaged by an employer through a specific agreement to lobby for compensation and given direction on the lobbying activities to be accomplished and further pursues these legislative objectives through the association's lobbying campaign."

Volunteer board members of an organization who serve without compensation are not, except in certain limited situations, required to register as legislative agents with the Commission and therefore are not subject to the prohibition against providing "anything of value" to a member of the General Assembly so long as they are acting on behalf of the organization.

If such expenditures for meals and trips are coordinated and directed by an employer or a legislative agent registered with the Commission, they are required to be reported by the employer or legislative agent and are further subject to the limitations and prohibitions in the Code.

A legislative agent or employer is prohibited from providing with certain exceptions anything of value to a legislator and this restriction applies to trips for an individual legislator. Under the Code of Ethics, an employer or legislative agent may not act through others to accomplish what is prohibited if done directly by an employer or "legislative agent."

OLEC 94-16 The Kentucky Code of Legislative Ethics does not prohibit a lawyer/legislator from receiving compensation for representing criminal defendants referred by a public defender when the public defender has a conflict and cannot represent the defendant.

OLEC 94-17 KRS 6.744(7) prohibiting a lawyer/legislator from maintaining actions for damages against the Commonwealth of Kentucky or state agencies does not apply to candidates for the legislature. A candidate for the General Assembly upon taking office would be subject to the same requirements applied to legislators serving at the same time the new Ethics law was adopted. Cases in progress prior to February 18, 1993, may be completed. Lawyer/legislators must remove themselves from all cases begun after the effective date of the act. The Commission will consider a case or negotiation to be in progress as of February 18, 1993, if a contract has been entered into, between the parties, prior to that date.

OLEC 94-18 A lawyer/legislator may hold a personal service contract with a county sheriff's office. KRS 6.737 prohibits legislators from holding certain contracts with "state agencies," but the definition of "state agency" in 6.611 (29) would not apply to a county sheriff's office.

The lawyer/legislator is acting as an independent contractor in this situation and is not an employee of the sheriff's office. Therefore the prohibition contained in Section 165 of the Kentucky Constitution against a member of the General Assembly serving as the employee of a county does not apply.

OLEC 94-19 A state association registered with the Commission is prohibited from acting through or in concert with a related foundation to provide free eye health/vision screenings directed at legislators during a session of the General Assembly. Providing such services constitutes something of value under Section 6.611 of the Code and is therefore prohibited.

OLEC 94-20 A candidate for the General Assembly may lease real estate to a state university, because the prohibition in KRS 6.741 applies only to legislators.

OLEC 94-21 Withdrawn

OLEC 94-22 An employer registered with the Commission is not prohibited by the Code from making a charitable contribution to a foundation to support a community golf tournament open to the public that may involve members of the General Assembly who pay the regular fee to participate.

A legislator who participates in such an event may accept golf-related items provided to all participants by the sponsoring entity that are funded in part by contributions from employers registered with the Commission.

An employer registered with the Commission is prohibited from inviting a member of the General Assembly to participate in a charity golf tournament when such invitation includes the cost of the golf game, meals and other golf related items. Such items would constitute something of value under KRS 6.811.

OLEC 94-23 Legislators may use their titles on stationery and envelopes used to solicit contributions and votes as long as their official legislative stationery is not used and the great seal of the Commonwealth is not used.

OLEC 94-24 Withdrawn

OLEC 94-25 The Code of Ethics applies to the activity of an individual legislative agent and does not extend to the activity of other employees or members of a firm who are acting in a separate and private capacity. A legislative agent who is a member of a law firm may not act through the firm to accomplish results which would be unlawful under the Code if accomplished directly by the agent.

OLEC 94-26 As stated in OLEC 93-43, "Where hourly employees are provided information on legislation that may affect the company and are encouraged but not directed to communicate with their individual representatives, such activity would not meet the standards of the code for registration as a legislative agent. This would be the case whether the contact with

legislators occurs during working hours or non-working hours so long as the activities are completely voluntary and not subject to any direction, supervision, or monitoring by management personnel." Salaried employees who have been requested and agree to engage in lobbying activity and are directed in that activity by company officials are thereby lobbying as one of their official responsibilities.

OLEC 94-27 An attorney under a personal service contract with an executive agency is not a public servant and if the attorney engages in lobbying activities on behalf of the executive agency, the attorney must register with the Commission.

OLEC 94-28 A lawyer is not required to register as a legislative agent if the lawyer provides professional services in drafting bills or resolutions, or in advising clients as to the effects of proposed legislation if the services are not otherwise connected with lobbying by the lawyer. However, a lawyer must register if compensated for traveling to Frankfort for private meetings with members of the General Assembly regarding the legislation.

OLEC 94-29 Employers and legislative agents required to register with the Commission must, without exception, file the necessary registration and updated registration statements. The Code does not provide exclusions for required information that may be considered confidential by an employer or "legislative agent." However, the reporting requirements do not require information related to business plans and potential relocations.

OLEC 94-30 (This opinion superseded by OLEC 94-36 issued August 1994) Administrative regulations which have been filed with the regulations compiler are covered by the Kentucky Legislative Ethics Code.

OLEC 94-31 When a law firm which pays an attorney has no interest in proposed legislation on which an attorney is doing pro bono work for a civic organization, and does not direct the attorney in the legislative activity, neither the law firm nor the civic organization is considered an employer under the Code.

OLEC 94-32 A lawyer/legislator may not represent a defendant in a lawsuit when it is likely that a cross-claim against the Commonwealth for indemnification will be required.

OLEC 94-33 Legislators are not prohibited from holding contracts as instructor/facilitators with the Commonwealth Training Partnership because the contracts are available on similar terms to other members of a legislator's business, occupation, or profession.

OLEC 94-34 Under Section 6.787(2)(f) of the Code of Ethics, a legislator is required to report in the annual statement of financial disclosure the sources of gross income of a spouse but not other immediate family members. Income generated from a business or profession of the spouse is reported as being generated by that activity. Income not related to such business or profession should be reported by the name and address of the sources of the gross income.

OLEC 94-35 Acceptance of prepaid or reimbursed expenses for out-of-state travel associated with official duties as a legislator requires prior approval of the Legislative Research Commission. However, such travel expenses may not be paid or earmarked for an individual legislator, their spouse or child by an employer or legislative agent registered with the Commission.

An employer or legislative agent may provide unrestricted support to a 501(c)(3) educational organization for state legislators that as a part of its program reimburses legislators for travel and lodging expenses so long as there is not an agreement explicit or implicit that a portion of the funds will be allocated for travel expenses of members of the General Assembly, their spouse or child.

OLEC 94-36 Proposed administrative regulations become a matter pending before the General Assembly and subject to the Kentucky Legislative Ethics Code when such regulations are published in the Kentucky Administrative Register and the time for a public hearing at the agency has expired. (This opinion supersedes OLEC 94-4 and OLEC 94-30.)

OLEC 94-37 Members of the General Assembly may accept reimbursement for itemized expenses related to attending meetings associated exclusively with their private sector employment and unrelated to their position as a legislator.

OLEC 94-38 A member of the General Assembly may accept a campaign contribution from a political party fundraising event. A legislator may also solicit contributions on behalf of a political organization. In addition, a legislator may work on a political party fundraising event so long as such activity does not involve the use of public funds, time or personnel for partisan political campaign activity pursuant to KRS 6.731(5).

OLEC 94-39 A lawyer/legislator may represent a client for compensation in an agency enforcement matter including administrative hearings, settlement negotiations, or judicial appeals. The fact that the outcome of such proceedings may impact a subsequent permit eligibility would not constitute a violation of Section 6.744(5)(e) of the Code.

A lawyer/legislator is prohibited by the Code from representing a client for compensation in a state agency enforcement action that is based on questions relating to permitting including a possible permit revision.

OLEC 94-40 The Code of Ethics applies to meetings attended by members of the General Assembly outside the Commonwealth in their official capacity and to activities of employers and legislative agents registered with the Commission at such events. Food and beverages and other items provided as part of the official programs at events sponsored by or in conjunction with a civic, charitable, governmental or community organization are excluded from the definition of "anything of value." However, separate receptions, dinners and other events sponsored by employers and legislative agents registered with the Commission and outside the official program are subject to the same limitations and reporting requirements applicable to such events held in the Commonwealth.

OLEC 94-41 A legislative agent pursuant to KRS 6.811(5) may not serve as a campaign fund-raiser for a current member of the General Assembly running for state-wide office. However, a legislative agent may volunteer for a wide range of campaign activities on behalf of such a candidate.

OLEC 94-42 A member of the General Assembly is prohibited from ex parte contact with a judge relative to a pending or impending judicial proceeding. A member is also prohibited from contacting judicial personnel concerning matters relative to a pending or impending proceeding when the contact is designed to influence the outcome of the proceeding.

OLEC 94-43 Service as a Master Commissioner appointed by a Circuit Court is not incompatible with being a legislator.

1995

OLEC 95-1 A member of the General Assembly may contact a state agency regarding a private business interest. However, the legislator should make clear to the agency that such contact is made as part of private sector activities and not in an official capacity.

OLEC 95-2 Under the Code of Ethics, a member of the General Assembly is not prohibited from participating in sentencing proceedings when such participation is directed through a defendant's counsel and does not violate KRS 6.731(3).

OLEC 95-3 Statements of financial disclosure must be filed by members of the General Assembly who do not seek re-election or resign from office for the final year or partial year of elected service.

OLEC 95-4 Withdrawn

OLEC 95-5 A member of the General Assembly who owns or controls an interest of more than 5% in a business may sell products to the Commonwealth under the Small Purchase Procedures adopted by the Finance and Administration Cabinet requiring three or more informal quotes. Such quotes would come within the exclusion provided in KRS 6.737(3) for sales "which are available on similar terms to members of the legislator's business, occupation, or profession."

OLEC 95-6 Under the Code of Ethics a legislative agent is prohibited from presiding over an endorsement convention for members of the General Assembly or candidates for such office. The same prohibition would apply to an endorsement convention for Kentucky Constitutional offices if any of the candidates are current members of the General Assembly.

OLEC 95-7 A member of the General Assembly is prohibited from serving on a local government airport board in that such a board has the authority to fix rates as provided in KRS 6.764(2).

OLEC 95-8 Legislative agent may not make campaign contributions to a legislator running for other state office, but may "volunteer for a wide range of campaign activities on behalf of a state legislative campaign or legislator's campaign for another office so long as he is not directed in this activity by an employer and does not serve as a fund-raiser."

OLEC 95-9 Members of the General Assembly may accept travel expenses and an honorarium or speaking fee related to attending meetings associated exclusively with their private sector employment and unrelated to their position as a legislator. The source of income for an honorarium or speaking fee would be required to be listed on the legislator's annual financial disclosure form.

OLEC 95-10 (This opinion superseded by OLEC 07-04 issued October 2007) A member of the General Assembly may join with a political party in soliciting contributions for a fund-raising event to be used for legislative races so long as the solicitations are broad-based and not directed solely or primarily at legislative agents as provided in KRS 6.626(1).

However he may not direct or otherwise exercise control over a particular legislative agent's contribution for the benefit of a selected legislator.

OLEC 95-11 A legislator who owns and operates a consulting firm may provide services to a registered employer so long as the services are not related to his position as a legislator and do not involve lobbying activities. He may not accept pay from a client for helping to formulate a legislative strategy or for sponsoring, supporting, or opposing legislation on behalf of the client. Moreover, a legislator can't accept compensation for providing a client with information on pending legislation, as he would be accepting compensation for performance of his legislative duties. The Code does not prohibit a legislator from advocating a position on legislation at the federal level, but any legislator doing so should be wary of the possibility of adversely impacting public confidence in the integrity of the legislature.

OLEC 95-12 A legislator whose employer seeks to obtain a service contract with a state agency may not serve as his employer's representative in negotiations or otherwise engage in negotiations with the state agency. The Code does not prohibit other, less direct involvement in the contract discussions and preparatory activities. A legislator should be wary of potential conflicts in his private employment and personal interest and his duties in the public interest.

OLEC 95-13 (This opinion superseded by OLEC 99-4 issued December 1999) Legislative agents and employers who purchase food and beverages for legislators and their immediate family members must report the expenditures, even where the legislator subsequently reimburses the agent or employer for the costs incurred. If a legislator pays for food and beverages prior to an event or accepts a meal and simultaneously pays for it, the reporting agent or employer need not report the cost.

OLEC 95-14 A legislative agent is clearly prohibited from making a campaign contribution to a legislator, a candidate for the legislature, or the campaign committee of either. An agent may not serve as a campaign treasurer for a legislator or candidate for the legislature. Likewise, it is unlawful for a legislative agent to serve as a fundraiser for a legislator or legislative candidate, if his activity meets the criteria set forth in KRS 121.170(2).** A legislative agent is prohibited from exercising control over a campaign contribution and directing it to a specific state legislator, legislative candidate, or the campaign committee of either.

**OLEC 93-67 and OLEC 94-41, to the extent that they are read to prohibit legislative agents from serving as volunteer fundraisers who do not meet the requirements set forth in KRS 121.170(2), are SUPERSEDED by this opinion. The applicable statute, KRS 121.170(2), references only those fundraisers who are required to register with the Registry of Election Finance.

OLEC 95-15 A Kentucky General Assembly member who is also a candidate for Congress may accept contributions from registered legislative agents for the Congressional campaign. A legislative agent may also engage in fundraising activities for the legislator, if the funds are raised for the Congressional race.

OLEC 95-16 A legislator may properly accept an honorarium paid by the Federal Government in connection with an international education program.

OLEC 95-17 The Commission reaffirms its opinion in OLEC 93-52. Associations and other entities that contract for lobbying services through an intermediary are required to register as employers under the Legislative Code of Ethics. Such entities have both a legislative interest and have retained a legislative agent for compensation to lobby.

OLEC 95-18 A newspaper may be provided to members of the General Assembly without cost by an entity or individual not registered with the Commission as an employer or "legislative agent." Expenses incurred by employers or legislative agents related to a media campaign targeted at legislation are outside the jurisdiction of the Legislative Ethics Code and not reportable.

1996

OLEC 96-1 Individual legislators may attend and have no reporting requirements in connection with an event sponsored by a local government entity where food is provided. A local government entity has no reporting requirement for such an event unless the entity engages a person "whose primary responsibility during sessions of the General Assembly is to lobby" and is therefore required to register with the Commission.

OLEC 96-2 Under KRS 6.761 of the Code of Ethics dealing with conflict of interest, a legislator may vote on legislation dealing with issues within the subject matter jurisdiction of a state agency in which he intends to accept employment at a later date. However, voting on legislation dealing with the specific position involved might well constitute a conflict of interest depending on the particular factual situation.

OLEC 96-3 A member of the General Assembly may properly advocate the purchase of his land for a county economic development project so long as he does not use his "official position" to advance the project and makes it clear to the government officials involved that his interests are private and not related to service in the General Assembly.

OLEC 96-4 Under KRS 6.611(2)(b)8.e as amended, a legislator with approval from a majority of the Legislative Research Commission may attend an event held within the State of Kentucky and sponsored by an employer or a legislative agent. A legislator may accept food and beverages and the cost of registration at the event. However, these items must be reported on updated registration statements by an employer or legislative agent in the name of the legislator participating. Transportation, lodging and other auxiliary expenses related to the event may not be accepted by a legislator or provided by an employer or legislative agent.

Under KRS 6.611(2)(b)12 as amended, an individual legislator may attend an event in the state of Kentucky sponsored by a trade association registered with the Commission. Food and beverages consumed at the event, along with lodging and the cost of registration, may be accepted by a legislator. However, these items must be reported on updated registration statements by the trade association. Transportation and auxiliary expenses such as entertainment not included in the registration fee may not be accepted by a legislator.

Under KRS 6.611(22)(a) as amended, the definition of legislative agent is expanded to include individuals who are engaged for compensation to participate in lobbying activities on behalf of an organized association, coalition, or public interest entity formed for the purpose of promoting or otherwise influencing legislation. The nature and identity of the organized association, coalition, or public interest entity, subject matter or bill numbers of the legislation to be lobbied, and the source of the entity or association's funds and financial resources must be reported to the Commission.

OLEC 96-5 Out-of-state travel by an individual legislator or a group of legislators associated with performance of duties as a legislator requires prior approval from a majority of the Legislative Research Commission. Such travel funded by employers or legislative agents is subject to the detailed reporting requirements of the Code.

OLEC 96-6 Outlines definition of trade association and association for purposes of reporting requirements required by amendments in HB 585.

OLEC 96-7 Addresses issues which relate to a legislator's involvement with the legislative agenda of an association or entity employing that legislator. A legislator is prohibited from accepting outside compensation for providing information on legislation pending in the General Assembly and from providing advice of a general nature to an employer or a client on legislative strategies to pass or defeat legislation in the General Assembly.

OLEC 96-8 Providing legislative information via a Web site does not constitute lobbying within the current meaning of that term in the ethics code. The act of providing the address of a Web site to a legislator is not lobbying even though it is accomplished by direct communication, so long as it is narrowly effected and does not also entail promoting, advocating, or opposing the passage, modification, defeat, or executive approval or veto of any legislation.

1997

OLEC 97-1 General Assembly members may serve as members of an Industrial Development Authority or on a community action agency without violating the Legislative Code of Ethics. A member may also serve as an executive director for a local telecommunication cable TV board without violation of the Code.

OLEC 97-2 Service on the board of directors of a local hospital would not be in violation of KRS 6.764 because the hospital is not a state agency and its board does not have the authority to levy taxes or set rates as contemplated by KRS 6.764(2). The Commission strongly advises members of the General Assembly, before accepting any position to serve on the board of directors of a hospital, to consider KRS 6.731 of the Code of Ethics.

1998

OLEC 98-1 A legislator is permitted to solicit either by letter, or in person, broad-based financial support for a charitable organization. The term "broad-based" in KRS 6.626(1) does not place a limit on the solicitations of organizations employing legislative agents but rather should be used as a guideline in ensuring that the solicitations are varied and not directed only toward those individuals or entities which might be expected to have a particular legislative interest in common. The phrase "primarily at legislative agents" does not impose a definite percentage on the number of legislative agents who are solicited in a charitable solicitation made by a legislator. It requires that a given solicitation not be made under circumstances in which legislative agents are, or appear to be, primary rather than incidental solicitees.

OLEC 98-2 Supersedes OLEC 93-55 and OLEC 94-3 to the extent they discourage a member of the General Assembly from soliciting and accepting campaign contributions in "close proximity" to a regular or special session of the legislature. Campaign contributions solicited or accepted during a special or regular legislative session from an individual or entity with a legislative interest should be subject to a high level of scrutiny by the individual legislator and by the Commission.

OLEC 98-3 The Code of Ethics would not prohibit a legislator from serving as a strategic development consultant with a local community hospital provided lobbying is not one of its required job responsibilities. In serving as a strategic development consultant with a local hospital, a legislator should refrain from participating in activities related to developing a legislative agenda to be communicated to members of the General Assembly. A legislator confronted with a conflict of interest shall follow the proper procedures detailed in KRS 6.761 of the Code of Ethics.

OLEC 98-4 It is not permissible for a lawyer/legislator's associate to represent a county water company before the Public Service Commission because the lawyer/legislator is a sole proprietor and is prohibited by the Code of Ethics from representing a client in any proceeding before the PSC. It is not permissible for the associate to use the legislator's name in correspondence or on stationery in a matter in which the lawyer/legislator is precluded from handling under the provisions of KRS 6.744.

OLEC 98-5 An entertainment facility may offer legislators seating to events for purchase at face value even if public demand exceeds the supply and the price and location of the individual accommodations among legislators varies. To the extent that OLEC 93-66 states otherwise, it is SUPERSEDED.

1999

OLEC 99-1 A legislator may host a monthly or semi-monthly television show in which matters of public interest are discussed by elected officials and other citizens. The legislator may solicit contributions from potential sponsors to underwrite the television show provided those solicitations are broad-based and are not directed solely or primarily at legislative agents.

OLEC 99-2 A legislative agent may sell Internet web site services to a legislator without it being reported as a "financial transaction" if the legislative agent's company offers its services to non-governmental businesses and entities with the same or similar fee schedules as those offered to legislators.

If only government-related entities such as those listed in KRS 6.611(18) and/or legislators are the only targeted clients by the legislative agent's company, then the sale of Internet web site services to those entities would qualify as a "financial transaction" and would be reportable to the Ethics Commission on an updated registration statement.

The sale of these services would not be reportable as a financial transaction if sold to a political party even though the services may be available to the members which may include legislators, administrators, or other elected officials. However, if sold to an administrative body such as the Legislative Research Commission, then the sale of such services would qualify as a "financial transaction" pursuant to KRS 6.611(18).

OLEC 99-3 The Code of Ethics does not prohibit legislators from soliciting or accepting campaign contributions for a political party during a legislative session. However, the Commission would encourage legislators to apply the strict scrutiny test as set out in OLEC 98-2 to the solicitation and acceptance of contributions for a political party as well as for the legislator's own campaign.

OLEC 99-4 OLEC 95-13 is SUPERSEDED to the extent that it requires a legislative agent or employer to report the amount spent for food and beverages furnished to a legislator even though during the period covered by the report the legislator reimburses the legislative agent or employer for the cost incurred.

If a legislator pays for food and beverages prior to or at the time he or she is furnished food and beverages by a legislative agent or employer, or if the legislator pays the full value of the meal to the legislative agent or employer by the due date for filing the updated registration statement covering the event, the reporting agent or employer should not include the cost of the meal in an updated registration statement.

If reimbursement is made after the reporting date, that should be noted by the legislative agent or employer by amending the updated registration statement listing the expenditure to show the reimbursement so that the cost of the meal is not included in the \$100 limit imposed by KRS 6.811(7).

2000

OLEC 00-1 An employer of a legislative agent may provide a legislator with garbage bags for donation to community youth groups such as the Boy Scouts, or to a school for use by its clubs and organizations for the purpose of picking up roadside litter in the legislator's district. The legislator must deliver the garbage bags within thirty (30) days after receipt and the donation must not be claimed as a charitable contribution for federal income tax purposes.

2001

OLEC 01-01 The Commission stated that a legislator may not solicit a campaign contribution from a legislative agent for the campaign of another legislator. The Ethics Code does not forbid a legislator from making an otherwise appropriate solicitation of funds for another legislator's campaign so long as the solicitation is not made to a legislative agent or agents. This opinion is distinguished from OLEC 95-10 which permitted a legislator's participation in a political party fundraiser which involved the solicitation of legislative agents for contributions to the party.

OLEC 01-02 A legislator may list the Legislative Research Commission's public toll-free telephone number on yard signs, on a personal web-site, or in a constituent newsletter that are paid for with campaign funds so long as the legislator takes all precautions to ensure that the toll-free number is not being utilized for partisan political campaign activity which would be a violation of KRS 6.731(5).

OLEC 01-03 Under the Code of Ethics, a legislator may not use his or her official legislative stationery for private business correspondence whether the stationery is paid for with public or private money. Depending on the surrounding circumstances, a private business communication on official legislative stationery could well fall within the proscriptions of KRS 6.731(2) or (3). The effect of the use of the official stationery for private business is the same regardless of who pays for it.

OLEC 01-04 KRS 6.651(7)(d) prohibits a member of the Legislative Ethics Commission from participating in the management or conduct of the political campaign of a candidate for any state, district, county, or municipal office.

2002

OLEC 02-01 The Code of Ethics would not prohibit a legislative agent from receiving a percentage of a bonus from his employer based on services provided by a communication firm in which the legislative agent has a minority interest and performs some services so long as the firm does not perform any activity that would require registration with the Legislative Ethics Commission.

OLEC 02-02 The Code of Ethics does not forbid a member of the General Assembly from being an employee of an Area Development District or from performing work for a District as an independent contractor.

OLEC 02-03 A properly licensed legislator may represent a client for compensation before the KY Revenue Cabinet in contesting the amount of income tax, interest, or penalty assessed against a client. No fee contingent upon the outcome of the matter may be charged by the legislator.

OLEC 02-04 The spouse of a legislator may be employed as a legislative agent. Both the legislator and spouse must pay close attention to the Code of Legislative Ethics as it applies to them and should not only abide by its provisions but also be careful to avoid any appearance to the contrary.

2003

OLEC 03-01 The \$100 limitation on food and beverages furnished to a legislator or his immediate family set out in KRS 6.811(7)(a) and (b) does not apply to food and beverages furnished to a legislator in connection with out-of-state travel which has been approved by the Legislative Research Commission in accordance with KRS 6.747(2).

2004

OLEC 04-01 The Code of Legislative Ethics does not provide that it is a conflict of interest for a legislator who is employed by a state-supported institution of higher learning to participate in legislative discussions of and votes on appropriations for that institution unless the appropriation, etc. under discussion or to be voted on would somehow cause direct personal benefit or detriment to the legislator, a member of his family or a business associate apart from any other member of the class affected by the legislation.

The Code of Legislative Ethics does not bar a legislator from fully participating as a member of a legislative committee or actively serving in a leadership position in a committee before which appropriations for a state-supported institution of higher learning are pending if the legislator is an employee of that institution unless the matter pending before the committee is one in which the legislator has a direct personal interest because it would be of direct personal benefit or detriment to the legislator, a member of his family or a business associate apart from any other member of the class that might be affected by the appropriation.

OLEC 04-02 A legislator may accept tickets to an out-of-state ballgame from a state institution of higher education which employs a legislative agent, provided the ballgame is sponsored or coordinated by the state institution, and the legislator receives prior approval from a majority of the Legislative Research Commission to attend the event.

OLEC 04-03 Pursuant to KRS 6.821, the employer of a legislative agent is required to report to the Commission the expenditures made for each legislator or member of the legislator's immediate family, as well as for the Governor, the secretary of any cabinet listed in KRS 12.250 or a member of the staff of any of these officials who attends a reception hosted by the employer.

The costs of food and beverages consumed on the premises for each legislator or member of a legislator's immediate family who attends the reception must be reported in accordance with KRS 6.821(2) and is subject to the \$100 annual limitation contained in KRS 6.811(2)(a), unless the reception is one qualifying under KRS 6.611(2)(b)(8), (11) or (12).

2005

OLEC 05-01 A legislative agent (lobbyist) may not make a campaign contribution to any of the four caucus campaign committees provided for in 2005 SB 112.

A legislator may not solicit a campaign contribution from a legislative agent (lobbyist) for any of the four caucus campaign committees provided in 2005 SB 112.

2006

OLEC 06-01 The Code of Legislative Ethics does not prohibit a legislative agent from also being a candidate for the General Assembly.

OLEC 06-02 A legislator may solicit campaign contributions for a caucus campaign committee so long as the legislator complies with the standards governing solicitation for his or her own campaign committee (e.g. may not solicit a lobbyist), and may serve as an official of a caucus campaign committee. The Code contains no provision governing receipt by a legislator or candidate of contributions from a caucus campaign committee.

OLEC 06-03 Lobbyists may voluntarily contribute to or co-host with legislators an event to raise contributions for a political party if the contributions are deposited in the party's general funds and are not earmarked for a specific legislative race, provided the lobbyist is not requested by a legislator to do so. A legislator may not ask a lobbyist to solicit campaign funds for a political party or a legislative campaign.

2007

OLEC 07-01 Although a lobbyist may not make a contribution, a lobbyist may serve as a co-sponsor or co-host of a fund raising event for the campaign of a legislator who is seeking election to a state constitutional office, provided the lobbyist is acting voluntarily and not at the direction of his or her employer, or at the request of the legislator. The lobbyist may not exercise any control whatsoever over any funds raised at the event and the lobbyist may not contribute anything to the costs of the event.

OLEC 07-02 The non-legislator member of a gubernatorial slate (consisting of a non-legislator and a legislator) may not seek the assistance of a legislative agent to help solicit campaign contributions for the slate.

OLEC 07-03 The Code of Legislative Ethics does not forbid a legislator who is an unpaid director of a non-profit entity furnishing medical care from voting on a state budget which contains a line item appropriation for the non-profit entity. Guidance should be sought from the Attorney General as to the application of Section 57 of the Kentucky Constitution to such a situation.

OLEC 07-04 Political parties are not "civic entities" within the meaning of that term as used in KRS 6.626(1). A legislator may not solicit a contribution from a legislative agent for a political party. To the extent that OLEC 95-10 is to the contrary, it is hereby SUPERSEDED.

2008

OLEC 08-01 Conflict of interest for a legislator. If the legislation has a similar effect on all facilities forming the class which might become eligible to offer casino gaming, a legislator who is an employee of such a facility may sponsor or support legislation relating to gaming or a proposed constitutional amendment to allow gaming. However, if the legislation applies only to the facility that is the legislator's employer, then the legislator should abstain from voting and disclose his interest in the legislation in accordance with KRS 6.761(2).

2009

OLEC 09-01 A legislative agent may not direct or serve as an officer of a 527 organization which raises or expends funds in support of or in opposition to the election or re-election of an individual to the General Assembly. Whether the organization engages in such activity depends on the circumstances surrounding its raising and expenditure of funds.

A legislative agent is not precluded from consulting with such an organization and providing it with information about candidates for election or re-election even if the organization raises or expends funds in support of or in opposition to such candidates.

A legislative agent whose registration with the Commission is terminated ceases to be bound by the provisions of the Code of Legislative Ethics with respect to campaign contributions to candidates for election or re-election to the General Assembly from the time his registration is terminated.

2010

No formal opinions were issued in 2010.

2011

OLEC 11-01 The Code of Legislative Ethics does not forbid a corporation owned by a legislator from contracting with a local entity, which is a corporate body and political subdivision, to furnish professional services to that entity under a contract let after public notice and competitive bidding.

2012

OLEC 12-01 KRS 6.787(2)(f) requires that each source of gross income in excess of two hundred dollars (\$200) received during the preceding year be reported by legislators on their annual financial disclosure form. This includes the source of any receipts from gambling in excess of two hundred dollars (\$200).

2013

OLEC 13-01 An incorporated state association of non-profit cooperatives which employs a legislative agent is not required to report to the Commission expenditures made by a local cooperative, not employing a legislative agent, for the attendance and food and beverages consumed by a legislator at a banquet sponsored by the association if the expenditures are independently made by the local cooperative and not made at the request of the association or reimbursed to the cooperative by the association. OLEC 93-18 is hereby SUPERSEDED.

2014

OLEC 14-01 It is permissible under the Code of Legislative Ethics for members or employees of the House and Senate Majority and Minority Caucuses to create, maintain, and update legislative information available through applications such as Facebook, Twitter, a website, and other Internet means.

2015

No formal opinions were issued in 2015.

2016

OLEC 16-01 It is permissible under the Code of Legislative Ethics for legislators or candidates to create and maintain campaign fundraising webpages using crowdsourcing websites such as GoFundMe and to use social networking to publicize the fundraising effort, so long as they are used in accordance with the requirements of the Code.

2017

No formal opinions were issued in 2017.

2018

OLEC 18-01 It is permissible under the Code of Legislative Ethics for the LRC to create and maintain data gleaned from green slips and make it available to a legislator. A legislator wishing to obtain the green slip information for partisan political purposes shall arrange with the LRC to reimburse the agency for the cost of a physical copy of the data.

2019

No formal opinions were issued in 2019.