

**ADVISORY OPINION AO-1989-001
RECONSTITUTED AS ETHICS INTERPRETATION EI-1989-001
ISSUED FEBRUARY 7, 1989**

The Oklahoma Council on Campaign Compliance and Ethical Standards ["the Council"] has received your request for an advisory opinion asking, in effect:

Does Title 74 O.S. Supp. 1988, § 4227 (A) (3) require trust officers of a trust company which acts as an investment manager for a state retirement fund or as a trustee of a state bond issue to register as lobbyists?

The law under consideration reads:

A. The following persons shall register with the Oklahoma Council on Campaign Compliance and Ethical Standards as lobbyists:

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3. Any person who is retained or employed in whole or in part as a lobbyist or legislative agent by any person, firm, corporation, association, labor union, or labor organization, to promote, oppose, or otherwise influence official action or the passage of any legislation, whether or not any compensation in addition to the salary for that regular employment is received for such lobbying.

The term "official action" was originally defined in Title 74 O.S. Supp. 1978, § 4001 as follows:

Official action means any judicial, executive, legislative or administrative action which shall include, but is not limited to, the promulgation of rules and regulations and the setting of rates;

When a definition is not carried forward in an amendment to a statute, it is held to have survived unless explicitly repealed. Therefore, the definition of official action has the force and effect of law.

For the purpose of this opinion, we will assume a trust officer in the position of an investment manager for a state retirement fund or as a trustee of a state bond issue would not be attempting to influence judicial or legislative action. Whether such an officer would need to register as a lobbyist would thus depend upon whether, in such positions, the officer attempted to influence any official action of any state agency, commission, board, department or officer in the executive branch of state government through its officers, officers-elect, members or employees.

If the agency, commission, board, department or officer turned over all decisions concerning the retirement fund or the state bond issue to the trust company, then the officer of the trust company might not ever be in a position to influence any official action. If, however, the agency, etc. retained any control of decision-making over the fund or issue, then the officer of the trust company could be in a position to influence official action.

It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on February 7, 1989, that Title 74 O.S. Supp. 1988, § 4227 (A) (3) would require trust officers of a trust company serving as an investment manager for a state retirement fund or as a trustee of a state bond issue to register as lobbyists if, in such positions, they attempt to influence any official action of the agencies, commissions, boards, departments or officers they serve.