Rule 5.2. Definitions

As used in Rule 5:

1. "Agency" means any entity in the executive branch of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expendng of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma. "Agency" shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma;

2. "Commission" shall mean the Oklahoma Ethics Commission;

3. "Executive lobbying" means any oral or written communication with a state officer or employee of an agency, excluding the Governor or a member of the Legislature or with an employee of the Governor or the Legislature, on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, rate, regulation,
executive order or any other program, policy or position of state government. However, “executive lobbying” shall not mean testimony given at, or submitted in writing to, a public hearing of the agency, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television;

4. “Executive lobbyist” means any individual who is employed or retained by another for financial or other compensation to perform services that include executive lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client, except the following individuals shall not be considered lobbyists:

a. an individual appearing before a state officer or employee of an agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further lobbying;

b. a federal official acting in his or her official capacity;

c. any person exercising his or her constitutional right to petition the government who receives no compensation or anything of value for lobbying;

5. “Family member” shall include spouse, children (including stepchildren), mother, father, sister or brother;
6. “Indirect lobbying” means any communication or series of communications that advocate support or opposition of legislative bills or resolutions pending at the Oklahoma legislature made:

   a. through a paid advertisement to broadcast media such as radio, telephone, internet, or cable, or to print media such as a magazine, newspaper, direct mail, or other printed medium;

   b. through the efforts of an individual or individuals employed or retained by another to engage in such advocacy; or

   c. by a person who receives funds or services valued in excess of Five Hundred ($500.00) or who has made or will make expenditures in excess of Five Hundred ($500.00) during any calendar year for the purpose of advocating support or opposition of legislation pending at the Oklahoma legislature.

However, “indirect lobbying” shall not mean:

   a. testimony given before, or submitted in writing to, a committee or subcommittee of the Oklahoma legislature;

   b. the publishing or broadcasting of news items, editorial comments, or paid advertisements which advocate the support or opposition of pending legislation by a news medium or its employees or agents; or

   c. internal communications made by an organization with its members indicating the organization’s position on legislation so
long as the communications do not encourage its members to advocate for or against pending legislation;

7. “Indirect lobbyist” means a person funding indirect lobbying, or a person who organizes, directs, or otherwise coordinates the efforts of others to engage in indirect lobbying. However, indirect lobbyist shall not mean an officer or employee of a state or the federal government acting in his or her official capacity and shall not include the governmental entity served by the officer or employee;

8. “Legislative liaison” means any state officer or employee whose duties in fact include legislative lobbying, regardless of the state officer or employee’s title and regardless of whether or not legislative lobbying is included within the state officer or state employee’s job description other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the agency. Each agency shall have at least one (1) legislative liaison, unless all officers and employees of the agency provide information to the Governor or a legislator only at the request of the Governor or a legislator or an employee of the Governor or the Legislature or as required by law, and provided further that no officer or employee of the agency has requested legislation, other than an appropriation for the agency, or other legislative action, or unless the agency has a contract.
with a legislative lobbyist to provide legislative lobbying services;

9. “Legislative lobbying” means any oral or written communication with the Governor or with a member of the Legislature or with an employee of the Governor or the Legislature on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, regulation, executive order or any other program, policy or position of state government. As used in this Rule, “employee of the Governor or the Legislature” includes any state officer or employee who advises the Governor, a legislator or the Legislature on legislation other than legislation that affects only his or her agency. However, “legislative lobbying” shall not mean testimony given before, or submitted in writing to, a committee or subcommittee of the Legislature, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television;

10. “Legislative lobbyist” means any individual who is employed or retained by another for financial or other compensation to perform services that include legislative lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the
services provided by such individual to the client, except the
following individuals shall not be considered lobbyists:

a. an individual appearing before the Governor or a
meeting of a legislative body who receives no compensation for
his or her appearance other than reimbursement from the state
for expenses and who engages in no further lobbying;

b. a federal official acting in his or her official
capacity;

c. any person exercising his or her constitutional right
to petition the government who receives no compensation or
anything of value for lobbying;

§ 11. “Lobbyist principal” means any person or entity, including
an agency, who employs or retains another person for financial
or other compensation to conduct executive or legislative
lobbying activities on behalf of the lobbyist principal;
provided, however, it shall not mean any individual members,
partners, officers or shareholders of an agency, a corporation,
association, firm, joint venture, joint stock company,
syndicate, business trust, estate, trust, company, partnership,
limited partnership, organization, committee or club, or a group
of persons who are voluntarily acting in concert;

Rule 5.3. Annual Registration for Legislative Liaison and
Legislative Lobbyist.
A. Each legislative liaison or legislative lobbyist shall be required to register with the Ethics Commission each year that the legislative liaison or legislative lobbyist engages in lobbying. Each legislative liaison or legislative lobbyist shall register or renew his or her registration with the Commission and pay any applicable fees no earlier than December 1 of each year nor later than January 15 of the following year for the calendar year beginning January 1 or within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals. Registration by legislative liaisons or legislative lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission. Information on the registration shall include the legislative liaison or legislative lobbyist’s name, business address, including electronic mail address and business telephone numbers, the name and address of each lobbyist principal by whom the liaison or lobbyist is employed or retained and the date of the registration.

B. Indirect lobbyists shall not be required to register with the Commission unless otherwise required to register as a legislative lobbyist or executive lobbyist. However, all communications qualifying as indirect lobbying must include either orally or in writing of sufficient size and contrast to
be clearly readable to the recipient of the communication one of the following disclosures:

1. “Lobbyist communication authorized by” to be followed by the name of the indirect lobbyist and must include the information in one of the provisions below:
   
a. the indirect lobbyist’s permanent street address, and phone number;
   
b. a website address to a page on the indirect lobbyist’s website which complies with the provisions of (3) below; or
   
c. “See report at http://guardian.ok.gov” but only if a report will be filed prior to publication of the communication.

2. For printed communications on the internet where the disclosure statement required in (1) would be impractical due to length, the phrase “Lobbyist Communication” must be included and the phrase “Lobbyist Communication” must hyperlink to a page in accordance with the provisions of (3) below.

3. The website address referenced in (1) or the webpage hyperlinked to “Lobbyist Communication” in (2) must contain only “Lobbying communication authorized by” followed by the indirect lobbyist’s name, permanent street address, phone number, and must include either a picture of or link to any reports filed with the Ethics Commission. If a report has not been filed with the Ethics Commission, the following information must be included: the names of any contributors required to be disclosed.
under these Rules, the amount of the indirect lobbying required
to be disclosed under these Rules, the number(s) of the
legislative bill(s) or resolution number(s) assigned by the
Oklahoma legislature that are supported or opposed, and whether
such bill or resolution is supported or opposed.

**Rule 5.19. Legislative Liaison and Legislative Lobbyist**

**Report Deadlines.**

A. Each legislative liaison and legislative lobbyist shall file
a Legislative Lobbyist Report on the following dates for the
following time periods:

1. Before the sixteenth day of January for the period
beginning July 1 and ending December 31 of the preceding year.

2. Before the sixth day of February, March, April, May and June and before the sixteenth day of July for the preceding month.

B. Reports detailing indirect lobbying shall be required to be
filed with the Commission as follows:

1. the first report will be due within twenty-four hours of
exceeding **Five Thousand Dollars ($5,000)** for indirect lobbying;

and

2. subsequent reports will be required within twenty-four
hours of each additional cost.

C. Except for good cause shown, any legislative liaison or
legislative lobbyist who, during a calendar year, files more
than one Legislative Lobbyist Report or Indirect Lobbying Report after the date it is due shall be deemed to have intentionally failed to file the report in violation of these Rules.

Rule 5.21. Legislative Lobbyist Report Required Information.

A. Each Legislative Lobbyist Report shall include, but not be limited to, information contained on the registration of the legislative liaison or legislative lobbyist and the following information:

1. The cost of each meal provided during the reporting period for the Governor, for any legislator or for any employee of the Governor or the Legislature and the date on which the meal was provided. The cost shall include the price, plus any applicable tax but shall not include a gratuity. In calculating the price of the meal, items such as appetizers or hors d’oeuvre or beverages may be apportioned by dividing the total cost of the item equally by the number of participants, where the individual cost per participant is difficult or impossible to ascertain; provided, however, the individual price of other items, such as salads, entrees, or individual beverages shall be attributed to individual participants. Any food and beverages provided other than as part of a meal and valued at more than Ten Dollars ($10.00) in the aggregate during a calendar year shall be reported separately.
2. The aggregate total number and cost of items reported in subsection 1 of this Rule, including any during this reporting period for the Governor, for any legislator or for any employee of the Governor or the Legislature.

3. The date, location and cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for any event to which all members of the Legislature were invited and the percentage of the total cost of food and beverage provided by the lobbyist principal for the event if less than one hundred percent (100%).

4. The date, location and cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for a meeting of a political caucus of either House of the Legislature and the percentage of the total cost of food and beverage provided by the lobbyist principal for the meeting if less than one hundred percent (100%).

5. The date, location and cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for a meeting of a committee or subcommittee of either House of the Legislature identified in the Rules or Journal of the respective House to which all members of the committee or subcommittee were invited and which a majority of members attended and the percentage of the total
cost of food and beverage for the meeting if less than one
hundred percent (100%).

   6. The cost of food and beverage paid by a lobbyist
principal of the legislative liaison or legislative lobbyist for
an event at a bona fide national or multistate regional
professional conference, seminar or other similar meeting
conducted outside the geographical boundaries of the State of
Oklahoma to which only Oklahoma state officers or employees
participating in the event are invited, provided a minimum of
five state officers and employees participate, a description of
the event, the date of the event and the percentage of the total
cost of food and beverage for the meeting if less than one
hundred percent (100%).

B. Indirect Lobbying Report. Each report shall include:

   1. the name and address of the person engaged in indirect
lobbying;

   2. the name, address, phone number, and email address of
the person filing the report;

   3. the amount, date, brief description of the indirect
lobbying, legislative bill or resolution number supported or
opposed, including whether the bill or resolution was supported
or opposed;

   4. the date, amount, and aggregate total of each
contribution received by an indirect lobbyist for the purpose of
engaging in indirect lobbying, including the following contributor information:

a. the name, address, occupation and employer of an individual; provided however, any contribution(s) received from an individual contributor that does not exceed fifty dollars in the aggregate are shown on the report by the total of all contributions accepted from contributors of fifty dollars or less and number of contributions received;

b. the name, address, and principal business activity for a corporation; or

c. the name, address, and committee identification number assigned by the Commission, Federal Election Commission, or other state for a political action committee or political party committee;

5. As used in section (B), “for the purpose of” means that the funds are either (1) received by a person in response to a solicitation specifically requesting funds to pay for indirect lobbying or (2) specifically designated for indirect lobbying by the contributor.

C. Nominal costs of transportation by private motor vehicle or similar public transportation such as a taxi provided by a legislative liaison or legislative lobbyist to and from the location of a meal or event within the State of Oklahoma or within the vicinity of the meal if outside the geographical...
boundaries of the State of Oklahoma shall be permitted but shall not be reported.

D. Reports by legislative liaisons, or legislative lobbyists, or indirect lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission.

E. Expenditures made by a lobbyist principal that is represented by more than one legislative liaison or legislative lobbyist shall be reported on only one Legislative Lobbyist Report by a legislative liaison or legislative lobbyist; any other legislative liaison or legislative lobbyist representing the same lobbyist principal shall indicate on the Legislative Lobbyist Report the name of the legislative liaison or legislative lobbyist reporting the expenditure on behalf of the lobbyist principal.

Rule 5.23. Legislative Liaison, Legislative Lobbyist, Executive Lobbyist Amended Reports.

A legislative liaison, or legislative lobbyist, or executive lobbyist may file an Amended Legislative Lobbyist or Liaison Expenditure Report, and an indirect lobbyist may file an Amended Indirect Lobbyist Report, and an executive lobbyist may file an Amended Executive Lobbyist Report at any time to correct a bona fide oversight or error in the previously filed Legislative Lobbyist or Liaison Expenditure Report or Indirect Lobbyist
Report or Executive Lobbyist Report, provided the legislative liaison, legislative lobbyist, or executive lobbyist, or indirect lobbyist certifies that the filing of an Amended Legislative Lobbyist or Liaison Expenditure Report or Indirect Lobbyist Report or Amended Executive Lobbyist Report is not made for the purpose of reporting information that was intentionally omitted or misstated on the previously filed Legislative Lobbyist or Liaison Expenditure Report or Indirect Lobbyist Report or Executive Lobbyist Report. If a legislative liaison, legislative lobbyist or executive lobbyist files a certified Amended Legislative Lobbyist or Liaison Expenditure Report or Indirect Lobbyist Report, or Amended Executive Lobbyist Report that is not in fact made for the purpose of reporting information that was intentionally omitted or misstated, the legislative liaison, legislative lobbyist, indirect lobbyist, or executive lobbyist shall not be deemed to have violated these Rules by having made an erroneous prior filing.
2019-02
Option 2

As proposed.

Sponsored by:
Commissioner Long