

# An Act

ENROLLED SENATE  
BILL NO. 1746

By: Griffin, Sparks and Ivester  
of the Senate

and

Russ of the House

An Act relating to lobbying; amending 74 O.S. 2011, Sections 4249, 4250, as amended by Section 1, Chapter 376, O.S.L. 2013, 4251, 4253 and 4255 (74 O.S. Supp. 2013, Section 4250), which relate to registration and conduct of lobbyists; modifying definitions; deleting provisions relating to lobbyist registration and reporting; modifying references; repealing 74 O.S. 2011, Sections 4248, 4259 and 4260, as amended by Section 1023, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Section 4260), which relate to registration and conduct of lobbyists; and providing an effective date.

SUBJECT: Lobbying

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 2011, Section 4249, is amended to read as follows:

Section 4249. As used in Sections ~~6 through 12 of this act:~~

~~1. "Lobbying", or any derivative of the word, means any oral or written communication with a member of the Legislature, with the Governor, with a member of the Corporation Commission, with a member of the judiciary or with an employee of the Legislature, the Governor, the Corporation Commission or the judiciary 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 the state government; provided,~~

~~however, it 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; provided further, it shall not mean representation of himself or herself or a client by an attorney acting in a professional capacity as an attorney who has entered an appearance in a court proceeding or quasi-judicial proceeding or a legislative or quasi-judicial proceeding before the Corporation Commission;~~

~~2. "Lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include 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 meeting of a legislative body or executive agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further or other lobbying,~~
- ~~b. a public or federal official acting in his or her official capacity,~~
- ~~c. a public employee acting on behalf of the governmental entity by which he or she is employed, and~~
- ~~d. any person exercising his or her constitutional right to petition the government who is not specifically required by the provisions of Sections 6 through 11 of this act to register as a lobbyist and who receives no compensation or anything of value for lobbying;~~

~~3. "Lobbyist principal" means any person who employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of the lobbyist principal; provided, however, it shall not mean any individual members, partners, officers or shareholders of 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;~~

4. ~~"Public member" means a member appointed to a compensated or uncompensated part time position on a board, commission, council, authority, bureau, committee, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma. A public member shall not lose this status by receiving reimbursement of expenses or a per diem payment for services. A public member shall not include:~~

- ~~a. members of advisory bodies to the legislative, executive, or judicial branch of state government,~~
- ~~b. Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes,~~
- ~~c. board members of guaranty associations created pursuant to state statute, and~~
- ~~d. precinct inspectors, judges, clerks and counters;~~

5. ~~"State employee" means:~~

- ~~a. an elective or appointed officer or an employee of any state governmental entity, except members of the House of Representatives or State Senate, and~~
- ~~b. an employee, other than an adjunct professor, in the service of an institution of higher education comprising The Oklahoma State System of Higher Education.~~

~~The term "state employee" shall not include a public member, and~~

6. ~~"State officer" means an elective, appointed or employed officer, including a public member, in the executive, judicial or legislative branch of the State of Oklahoma Sections 4250 through 4255 of this title, terms used shall be defined as they are defined in the Rules of the Ethics Commission.~~

SECTION 2. AMENDATORY 74 O.S. 2011, Section 4250, as amended by Section 1, Chapter 376, O.S.L. 2013 (74 O.S. Supp. 2013, Section 4250), is amended to read as follows:

Section 4250. A. Every lobbyist shall be required to register with the Ethics Commission no later than December 31 of each year or within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals, and pay a registration fee of One Hundred Dollars (\$100.00). All monies collected from this registration fee shall be deposited with the State Treasurer to the credit of the Ethics Commission Fund. Lobbyists shall be required to file reports in accordance with the Rules of the Ethics Commission.

~~B. Information contained on the lobbyist registration form shall be limited to the following:~~

- ~~1. The lobbyist's name and business address and telephone number;~~
- ~~2. The name and address of each lobbyist principal by whom the lobbyist is employed or retained; and~~
- ~~3. The date of the registration.~~

~~All registrations filed under this section shall be certified.~~

~~C. The Ethics Commission shall promulgate rules concerning lobbyist registration and reporting in the same manner as all other Rules of the Ethics Commission are promulgated as prescribed in Section 3 of Article XXIX of the Oklahoma Constitution. Any such rules in effect on the effective date of this act shall remain in effect until modified or repealed by rules promulgated pursuant to the provisions of this subsection or by law passed by the Legislature.~~

~~D. The registration of each lobbyist shall expire on December 31 of each year unless the annual registration fee as set forth in subsection A of this section is paid. The registration fee shall be payable from December 1 through 31 of each year. A lobbyist expenditure report shall be due at this time if such report was not filed for the previous reporting period. If the lobbyist was~~

~~previously unregistered, then the fee is due within five (5) days after engaging in lobbying. The provisions of this section must be complied with before the Ethics Commission can renew a lobbying registration.~~

~~E. Every lobbyist shall file a supplemental registration indicating any change in the information contained in the registration within twenty (20) days after the date of the change. A person who ceases to engage in lobbying shall file a written, verified statement with the Ethics Commission acknowledging the termination of activities. The notice shall be effective immediately upon filing.~~

~~F. All registrations and expenditure reports filed under this section shall be public records and shall be made available for public inspection pursuant to the Open Records Act.~~

~~G. The Ethics Commission shall maintain registrations and expenditure reports in a separate, alphabetical file and make such registrations and expenditure reports available to the public for inspection.~~

~~H. A person who files a notice of termination pursuant to the provisions of subsection D of this section shall file the reports required pursuant to the Rules of the Ethics Commission for any reporting period during which the person was registered at the time the notice of termination is effective.~~

SECTION 3. AMENDATORY 74 O.S. 2011, Section 4251, is amended to read as follows:

Section 4251. No person required to be registered ~~under Section 6 of this act~~ as a lobbyist with the Ethics Commission may:

1. Knowingly or willfully make any false statement or representation of the facts to a member of the legislative branch, judicial branch or executive branch; or

2. Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative branch, judicial branch or executive branch without notifying such member in writing of the truth.

SECTION 4. AMENDATORY 74 O.S. 2011, Section 4253, is amended to read as follows:

Section 4253. No information copied from lobbyist registration forms ~~required by Section 7 of this act or from lists compiled from such forms and reports~~ shall be sold or utilized by any person for the purpose of ~~soliciting campaign contributions or selling tickets to a testimonial or similar fund raising affair or for any commercial purpose~~ confidential.

SECTION 5. AMENDATORY 74 O.S. 2011, Section 4255, is amended to read as follows:

Section 4255. A. Any person who knowingly and willfully violates any provision of Sections ~~5 through 11 of this act or Chapter 23 of the Rules of the Ethics Commission~~ 4249 through this section of this title commits a misdemeanor. Nothing in Sections ~~5 through 11 of this act~~ 4249 through this section of this title relieves a person of criminal responsibility under the laws of this state relating to perjury.

B. Any person who knowingly and willfully violates any provision of Sections ~~5 through 11 of this act or any provision of Chapter 23 of the Rules of the Ethics Commission~~ 4249 through this section of this title a third and subsequent time, in addition to any other penalties provided herein, shall be prohibited from further lobbying ~~as defined herein~~ for a period of five (5) years. If any person having been so prohibited, lobbies while prohibited, such person shall be permanently prohibited from lobbying and shall be guilty of a felony.

SECTION 6. REPEALER 74 O.S. 2011, Sections 4248, 4259 and 4260, as amended by Section 1023, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2013, Section 4260), are hereby repealed.

SECTION 7. This act shall become effective January 1, 2015.

Passed the Senate the 13th day of May, 2014.

*John W. Ford*  
Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2014.

*Alvin J. ...*  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14<sup>th</sup>

day of May, 20 14, at 2:48 o'clock P M.

By: *Audrey Ledwell*

Approved by the Governor of the State of Oklahoma this 19<sup>th</sup>

day of May, 20 14, at 11:56 o'clock A M.

*Mary Fallin*  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19<sup>th</sup>

day of May, 20 14, at 12:09 o'clock P M.

By: *Ch. Benze*