

New Oklahoma Lobbying / Gift Rules

January 2015

This month, many of the new ethics rules promulgated by the Oklahoma Ethics Commission became effective. The new rules contain some significant departures from prior practice in the regulation of lobbying and gifts. Oklahoma now regulates, for the first time, lobbying of most executive branch agencies. Other noteworthy changes include an enhanced reporting schedule for legislative lobbyists, a revised approach to restrictions on gifts and meals from lobbyists, and new rules restricting gifts from vendors.

New Executive Lobbyists. Under the previous rules, Oklahoma did not regulate lobbying activities targeted at officers and employees of state agencies, with the exception of the Oklahoma Corporation Commission. Under the new rules, however, lobbying state officers or employees of most state agencies is now regulated as “executive lobbying.” (Lobbying the Governor and her staff is considered “legislative lobbying” under the rules.) The new rules cover “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.” Rule 5.2(4).

New Reporting Periods. Legislative lobbyists are now required to submit monthly reports from February through July, due by the fifth day of the month and covering the activities of the previous month. For the second half of the year, a legislative lobbyist need only file a single report covering the period from July through December. This report must be submitted by January 5 of the following year. Executive lobbyists must file quarterly reports that are due by the fifth of April, July, October, and January, covering activities of the previous calendar quarter. The reports must include detailed disclosures of meals, gifts, and food and beverages provided to state officers and employees during the reporting period.

New Rules on Gifts and Meals from Lobbyists. Under the new rules, there is a general prohibition on lobbyists or lobbyist principals giving anything of value to state officers and employees, except as specifically provided for in the rules. The new rules permit an executive lobbyist to spend up to \$500 in a calendar year on meals for an individual state officer or employee of an agency for which he or she is registered as a lobbyist. And a legislative lobbyist may spend up to \$500 in a calendar year on meals for the Governor, a legislator, or a member of their staffs. There is also a very limited provision allowing gifts with a value of up to \$200 for special occasions, but these gifts count against a \$500 aggregate limit for meals and gifts provided to the recipient. The new rules also allow for modest food and refreshment items, as well as gifts of minimal value. Finally, subject to several restrictions, lobbyist principals that employ or retain legislative lobbyists may

pay for food and beverages at certain events to which state legislators are invited.

New Rules on Gifts from Vendors and Regulated Entities. Under the new rules, a state officer or employee may not accept gifts from a vendor or vendor's agent if the vendor is attempting to sell goods or services to the state officer or employee's agency and the officer or employee is involved in purchasing decisions designed to determine the vendor that will sell goods or services to the agency. The restriction applies when the purchase is in excess of \$50,000. There is an exception for employees performing only clerical functions and a narrow exception for certain gifts to family members.

Further, a state officer or employee may not accept gifts from a vendor at any time the vendor is doing business with the officer or employee's agency through a contract involving property or services. There are some exceptions, including meals with an aggregate value of \$20 or less per occasion, provided the aggregate value of meals does not exceed \$50 per calendar year.

Finally, a state officer or employee may not accept gifts from a person or entity that is regulated or licensed by the officer or employee's agency. There are several exceptions to this restriction, such as modest items of food and beverage not offered as part of a meal and hospitality provided at a professional conference or seminar.