

Drake  
Rittner  
Connolly

SSB-1102  
State Government  
Succeeded 2/1  
SENATE/HOUSE FILE (SF/HF) 196

BY (PROPOSED COMMITTEE ON ETHICS  
AND CAMPAIGN DISCLOSURE BOARD  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to conflicts of interest of public officers and  
2 employees, including lobbyist and clients reports, and review  
3 of documents related to campaign finance disclosure reports.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 68B.32A, subsection 3, Code 2001, is  
2 amended to read as follows:

3 3. Review the contents of all campaign finance disclosure  
4 reports and statements filed with the board and promptly  
5 advise each person or committee of errors found. The board  
6 may verify information contained in the reports with other  
7 parties to assure accurate disclosure. The board may also  
8 verify information by requesting that a candidate or committee  
9 produce copies of receipts, bills, logbooks, or other  
10 memoranda ~~of-reimbursements-of-expenses-to-a-candidate-for~~  
11 ~~expenses-incurred-during~~ concerning contributions received,  
12 expenditures made, or indebtedness incurred in a campaign.  
13 The board, upon its own motion, may initiate action and  
14 conduct a hearing relating to requirements under chapter 56.  
15 The board may require a county commissioner of elections to  
16 periodically file summary reports with the board.

17 Sec. 2. Section 68B.37, Code 2001, is amended to read as  
18 follows:

19 68B.37 LOBBYIST REPORTING.

20 1. For the purposes of this section:

21 a. "Expenditures" does not include expenditures made by  
22 any organization for publishing a newsletter or other  
23 informational release for its members.

24 b. "Six-month reporting period" means the period from  
25 January 1 through June 30, or July 1 through December 31.

26 1A. A lobbyist before the general assembly shall file with  
27 the general assembly, on forms prescribed by each house of the  
28 general assembly and according to the filing provisions of  
29 subsection 3, a report disclosing all of the following:

30 a. The lobbyist's clients.

31 b. Contributions made to candidates for state office by  
32 the lobbyist during ~~calendar-months-during the~~ preceding six-  
33 month reporting period-when-the-general-assembly-is-not-in  
34 session.

35 c. The recipient of the campaign contributions.

1 d. Expenditures Total expenditures exceeding one thousand  
2 dollars made by the lobbyist during the preceding six-month  
3 reporting period to provide information, service,  
4 entertainment, sustenance, or other benefit directly to a  
5 person or group of persons who are members of the general  
6 assembly, a state agency, or any statewide elected official  
7 for the purposes of providing the services enumerated under  
8 section 68B.2, subsection 13, paragraph "a".

9 e. The total amount of all salaries, fees, and retainers  
10 paid by each lobbyist's client to the lobbyist for lobbying  
11 purposes during the preceding six months.

12 ~~For purposes of this subsection, "expenditures" does not~~  
13 ~~include expenditures made by any organization for publishing a~~  
14 ~~newsletter or other informational release for its members.~~

15 2. A lobbyist before a state agency or the office of the  
16 governor shall file with the board, on forms prescribed by the  
17 board, a report disclosing the same items described in  
18 subsection 1A.

19 3. a. The reports by lobbyists before the general  
20 assembly shall be filed not later than ~~twenty-five days~~  
21 ~~following any month in which the general assembly is in~~  
22 ~~session and thereafter on or before July 31, October 31, and~~  
23 January 31. The reports filed by a lobbyist before the  
24 general assembly shall contain information for the preceding  
25 ~~calendar month or quarter~~ six-month reporting period or parts  
26 thereof during which the person was engaged in lobbying.

27 b. Reports filed by lobbyists before a state agency shall  
28 be filed on or before ~~April 30, July 31, October 31, and~~  
29 January 31, for the preceding ~~calendar quarter~~ six-month  
30 reporting period or parts thereof during which the person was  
31 engaged in lobbying.

32 4. If a person cancels the person's lobbyist registration  
33 at any time during the calendar year, the reports required by  
34 this section are due on the dates required by this section or  
35 fifteen days after cancellation, whichever is earlier. The

1 ~~report-due-January-31-shall-include-all-reportable-items-for~~  
2 ~~the-preceding-calendar-year-in-addition-to-containing-the~~  
3 ~~quarterly-reportable-items-~~

4 a. A lobbyist who cancels the person's lobbyist  
5 registration before January 1 of a year shall file a report  
6 listing all reportable items for the year six-month reporting  
7 period in which the cancellation was filed.

8 b. A lobbyist who cancels the person's lobbyist  
9 registration between January 1 and January 15 of a year shall  
10 file a report listing all reportable items for the preceding  
11 year six-month reporting period and so much of the month of  
12 January as has expired at the time of cancellation.

13 5. ~~However, if~~ Notwithstanding the requirements of this  
14 section, if a lobbyist is a person who is designated to  
15 represent the interest of an organization as defined in  
16 section 68B.2, subsection 13, paragraph "a", subparagraph (2),  
17 but is not paid compensation for that representation and does  
18 not expend more than one thousand dollars as provided in  
19 section 68B.2, subsection 13, paragraph "a", subparagraph (4),  
20 the lobbyist shall only be required to file the report  
21 specified in this section once annually, which shall be  
22 performed at the time of filing the person's lobbyist  
23 registration form or forms.

24 Sec. 3. Section 68B.38, Code 2001, is repealed.

25 Sec. 4. CODE EDITOR DIRECTIVE. The Code editor shall  
26 transfer chapter 68B, as amended by this bill, to chapter 56B,  
27 and replace all references in the Code to chapter 68B with  
28 appropriate references to chapter 56B.

29 EXPLANATION

30 This bill amends Code section 68B.32A to allow the ethics  
31 and campaign disclosure board to obtain copies of all campaign  
32 records when attempting to verify information, rather than  
33 only memoranda of reimbursements of expenses.

34 The bill amends Code section 68B.37 regarding reporting by  
35 lobbyists. The bill deletes the October 31 report for

1 legislative lobbyists, and the April 30 and October 31 reports  
 2 for executive branch lobbyists. All lobbyists would file  
 3 reports on January 31 and July 31. A definition is added for  
 4 "six-month reporting period", in conjunction with this change.

5 The bill repeals Code section 68B.38, eliminating reporting  
 6 by lobbyists' clients, and amends Code section 68B.37 to  
 7 require that lobbyists report compensation paid to them by  
 8 clients. Lobbyists are also required to report total  
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 10 six-month reporting period to provide information, service,  
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14 The bill also deletes the requirement that the January 31  
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 17 changes the requirement that a lobbyist who cancels the  
 18 person's lobbyist registration before January 1, or between  
 19 January 1 and January 15, file a report listing all reportable  
 20 items, by changing the applicable period from the previous  
 21 year to the preceding six-month reporting period.

22 Finally, the bill also contains a direction to the Code  
 23 editor to designate Code chapter 68B as Code chapter 56B, and  
 24 to change references in the Code as necessary.

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SSB1102

THOMAS J VILSACK, GOVERNOR  
SALLY J PEDERSON, LT. GOVERNOR

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD  
KAY WILLIAMS, EXECUTIVE DIRECTOR

**TO: MEMBERS OF 2001 IOWA GENERAL ASSEMBLY**

**FROM: W. CHARLES SMITHSON, LEGAL COUNSEL** WCS

**DATE: JANUARY 31, 2001**

**Re: IECDB DEPARTMENTAL BILL FOR ETHICS**

On behalf of the Iowa Ethics and Campaign Disclosure Board, I hereby respectfully submit the Board's 2001 Departmental Bill concerning amendments to the ethics and conflict of interest laws found in Iowa Code chapter 68B. The proposals in the bill are for the following purposes:

1. Amend Iowa Code section 68B.32A(3) by permitting the Board to obtain copies of all campaign records without initiating an investigation. Currently, only campaign records pertaining to reimbursement expenses to a candidate may be obtained. The Board may only seek additional information by directing an investigation. The amendment would enable the Board and campaigns to resolve most issues informally without the need to initiate an investigation or issue subpoenas. I believe that allowing campaigns and the Board to resolve issues without having to go through the investigation process would benefit all parties involved.
2. Amend Iowa Code section 68B.37 by requiring lobbyists to report compensation received for lobbying purposes. Currently, the lobbyists' clients report this information on separate forms (see proposal #3). The amendment would also reduce the number of reports filed by lobbyists to twice a year and would streamline the entire lobbying system. In addition, the lobbyists would only report those lobbying expenses that were in excess of \$1,000. Finally, the amendment makes the entire statute easier to read and understand.
3. Repeal Iowa Code section 68B.38. The information currently reported by lobbyists' clients would be reported by the lobbyists under proposal #2. This would eliminate a substantial amount of paperwork and also the need to initiate compliance measures against clients who often do not realize they are required to file reports with the State.
4. Direct the Code Editor to renumber Chapter 68B in the Code as "56B". The Administrative Rules Review Committee suggested this amendment in order to have the campaign finance laws in Chapter 56 and the ethics/conflict of interest laws in Chapter 56B. It would be a benefit to everyone involved in the campaign finance/governmental ethics process if the two chapters were together numerically in the Code.

These proposals are designed to benefit the public as well as streamline the filing of lobbyist reports and the production of campaign records. I look forward to working the 2001 Iowa General Assembly to achieve the goals set out in the proposed legislation.

REPRINTED

FILED FEB 14 '01

SENATE FILE 196  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1102)

Passed Senate, <sup>(P. 562)</sup> Date 3-7-01 Passed House, Date \_\_\_\_\_  
Vote: Ayes 50 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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SF 196

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S-3128

1 Amend Senate File 196 as follows:  
 2 1. Page 1, by striking line 25 and inserting the  
 3 following: "April 16 through October 15, or October  
 4 16 through April 15."  
 5 2. Page 2, by striking lines 20 through ~~21~~<sup>32</sup> and  
 6 inserting the following:  
 7 "3. a. The reports by lobbyists before the  
 8 general assembly shall be filed not later than ~~twenty~~  
 9 ~~five days following any month in which the general~~  
 10 ~~assembly is in session and thereafter on or before~~  
 11 ~~July 31, April 30 and October 31, and January 31.~~ The  
 12 reports filed by a lobbyist before the general  
 13 assembly shall contain information for the preceding  
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 15 or the parts thereof during which the person was  
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 17 b. Reports filed by lobbyists before a state  
 18 agency shall be filed on or before April 30, ~~July 31,~~  
 19 ~~and October 31, and January 31,~~ for the preceding  
 20 ~~calendar quarter~~ six-month reporting period or the  
 21 ~~parts thereof during~~ of which the person was engaged  
 22 in lobbying."

By RICHARD F. DRAKE  
 PATRICK J. DELUHERY

*Adopted 3/7/01 (p. 562)*

S-3128 FILED MARCH 5, 2001

H - 3/8/01 State Gov.  
H - 3/28/01 Do Bus w/H 1367

H. 4/12/01 UNOFFICIAL BUSINESS CALENDAR

SENATE FILE 196  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1102)

(AS AMENDED AND PASSED BY THE SENATE MARCH 7, 2001)

- New Language by the Senate

Passed Senate, <sup>(P. 562)</sup> Date 3-7-01 Passed House, Date \_\_\_\_\_  
Vote: Ayes 50 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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S.F. 196

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**SENATE FILE 196****H-1367**

1 Amend Senate File 196, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. INTERIM STUDY COMMITTEE. The  
6 legislative council is requested to appoint an interim  
7 study committee to review the regulation of executive  
8 branch and legislative branch lobbyists. Committee  
9 membership shall be determined by the legislative  
10 council, and shall include at least one member of the  
11 majority and minority party from each chamber of the  
12 general assembly. The committee review shall include  
13 but shall not be limited to a review of current  
14 statutory requirements for lobbyist registration and  
15 reporting; legislative rules and rules of the ethics  
16 and campaign disclosure board regulating lobbyists and  
17 lobbying activities; a comparison of other states'  
18 efforts to regulate lobbyists and lobbying activities;  
19 and recommendations concerning the most effective  
20 means of regulating lobbyists. The committee shall  
21 meet as necessary prior to submission of the report,  
22 and may take testimony from any source including  
23 lobbyists or the public, as the committee deems  
24 appropriate, in fulfilling its duties. Staffing for  
25 the committee shall be provided by the legal counsel  
26 of the ethics and campaign disclosure board. The  
27 committee report may include recommendations for  
28 changes in existing rules and statutes, and the  
29 committee may request the assistance of the  
30 legislative service bureau in preparing a draft of  
31 proposed legislation. The committee report shall be  
32 submitted to the legislature no later than November 1,  
33 2001."

34 2. Title page, by striking lines 1 through 3 and  
35 inserting the following: "An Act relating to  
36 establishment of a study committee relating to  
37 regulation of lobbyists."

38 3. By renumbering as necessary.

**By** COMMITTEE ON STATE GOVERNMENT  
METCALF of Polk, Chairperson

**H-1367** FILED MARCH 28, 2001