

EIGHTY-SEVENTH GENERAL ASSEMBLY

JOINT RULES GOVERNING LOBBYISTS

Senate Concurrent Resolution 2
Adopted by Senate on 1/26/17
Adopted by House on 3/7/17

JOINT RULES GOVERNING LOBBYISTS

Rule 1 Definitions

As used in these rules, “client”, “gift”, “honoraria” or “honorarium”, “immediate family member”, and “lobbyist” have the meaning provided in chapter 68B of the Code. As used in these rules, the term “political action committee” means a committee, but not a candidate’s committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than one thousand dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action, or an association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional or other organization which makes contributions in the aggregate of more than one thousand dollars in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office or to expressly advocate the passage or defeat of a ballot issue or influencing legislative action.

Rule 2 Registration Required

1. All lobbyists shall register with the chief clerk of the house and secretary of the senate on or before the day their lobbying activity begins. In addition, the lobbyist shall file with the chief clerk of the house and secretary of the senate a statement of the general subjects of legislation in which the lobbyist is or may be interested, and a declaration of the numbers of the bills and resolutions and the bill number of study bills, if known, which will be lobbied, whether the lobbyist intends to lobby for or against each bill, resolution, or study bill, if known, and on whose behalf the lobbyist is lobbying the bill, resolution, or study bill.

2. A declaration on a bill, resolution, or study bill shall be filed prior to the lobbyist advocating for or against the bill, resolution, or study bill or stating that the lobbyist’s client is undecided. If such a prior declaration is impracticable, a declaration shall be made within one working day of the commencement of advocating for or against the bill, resolution, or study bill or stating that the lobbyist’s client is undecided. A change to a declaration for a bill, resolution, or study bill shall be filed within one working day of when the change becomes effective.

3. Registration expires upon the commencement of the next regular session of the general assembly, except that the chief clerk of the house and secretary of the senate may adopt and implement a reasonable preregistration procedure in advance of each regular session during which persons may register for that session and the following legislative interim.

4. If a lobbyist’s service on behalf of a particular employer, client, or cause is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the chief clerk of the house and the secretary of the senate. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular employer, client, or cause until reregistering and complying with these rules. A lobbyist’s registration is valid for only one session of a general assembly.

5. If a registered lobbyist represents more than one employer, client, or cause and the lobbyist’s services are concluded on behalf of a particular employer, client, or cause after the lobbyist registers but before the first day of the next legislative session, the lobbyist shall file an amendment to the lobbyist’s registration indicating which employer, client, or cause is no longer represented by the lobbyist and the date upon which the representation concluded.

6. If a lobbyist is retained by one or more additional employers, clients, or causes after the lobbyist registers but before the first day of the next legislative session, the lobbyist shall file an amendment to the lobbyist's registration indicating the employer, client, or cause to be added and the date upon which the representation begins.

7. Amendments to a lobbyist's registration regarding changes which occur during the time that the general assembly is in session shall be filed within one working day after the date upon which the change in the lobbyist's representation becomes effective.

Rule 3 Electronic Filing

A lobbyist or client of a lobbyist required to file information with the chief clerk of the house or the secretary of the senate is required to make such filings in an electronic format as directed by the chief clerk of the house and the secretary of the senate.

Rule 4 Lobbyist's Client Reporting

1. Each lobbyist's client shall file the reports required under section 68B.38 with the chief clerk of the house or the secretary of the senate.

2. For purposes of this rule, and the report required under section 68B.38, "lobbying purposes" include but are not limited to the following:

a. Time spent by the lobbyist at the state capitol building commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate.

b. Time spent by the lobbyist attending meetings or hearings which results in the lobbyist communicating with members of the general assembly or legislative employees about current or proposed legislation.

c. Time spent by the lobbyist researching and drafting proposed legislation with the intent to submit the legislation to a member of the general assembly or a legislative employee.

d. Time spent by the lobbyist actually communicating with members of the general assembly and legislative employees about current or proposed legislation.

Rule 5 Government Officials — Opposition Lobbying

Federal, state, and local officials who wish to lobby in opposition to their departments, commissions, boards, or agencies must indicate such on their lobbyist registration statements.

Rule 6 Public Access

All information filed by a lobbyist or a client of a lobbyist pursuant to chapter 68B of the Code is a public record and open to public inspection at any reasonable time.

Rule 7
Charge Accounts

Lobbyists and clients of lobbyists shall not allow members to charge any amounts or items to a charge account to be paid for by those lobbyists or clients of lobbyists.

Rule 8
Membership Contributions

A lobbyist or client of a lobbyist shall not pay for membership in or contributions to clubs or organizations on behalf of a member.

Rule 9
Fee or Bonus Prohibited

A fee or bonus shall not be paid to any lobbyist with reference to any legislative action that is conditioned wholly or in part upon the results attained by the lobbyist.

Rule 10
Offers of Economic or Investment Opportunity

1. A lobbyist, an employer or client of a lobbyist, or a political action committee shall not offer economic or investment opportunity or promise of employment to any member with intent to influence conduct in the performance of official duties.

2. A lobbyist shall not take action intended to negatively affect the economic interests of a member. For purposes of this rule, supporting or opposing a candidate for office or supporting or opposing a bill, amendment, or resolution shall not be considered to be action intended to negatively affect the economic interests of a member.

Rule 11
Personal or Financial Obligation

A lobbyist shall not do anything with the purpose of placing a member under personal or financial obligation to a lobbyist or a lobbyist's principal or agent.

Rule 12
Attempts to Create Additional Employment

A lobbyist shall not cause or influence the introduction of any bill or amendment for the purpose of being employed to secure its passage or defeat.

Rule 13
Campaign Support

A lobbyist shall not influence or attempt to influence a member's actions by the promise of financial support for the member's candidacy or threat of financial support for an opposition candidate. A lobbyist shall not make a campaign contribution to a member or to a member's candidate's committee during the time that the general assembly is in session.

Rule 14
Communication with Member's Employer Prohibited

A lobbyist shall not communicate with a member's employer for the purpose of influencing a vote of the member.

Rule 15
Excess Payments

A lobbyist shall not pay or agree to pay to a member a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which other persons in the same business or profession would charge in the ordinary course of business.

Rule 16
Prohibition Against Gifts

1. A lobbyist or client of a lobbyist shall not, directly or indirectly, offer or make a gift or series of gifts to any member or full-time permanent employee of the house or senate or the immediate family members of a member or full-time permanent employee of the house or senate except as otherwise provided in section 68B.22 of the Code. A lobbyist or client of a lobbyist who intends or plans to give a nonmonetary item, other than food or drink consumed in the presence of the donor, which does not have a readily ascertainable value, to a member or full-time permanent employee of the house or senate, prior to giving or sending the item to the member or employee, shall seek approval of the item from the chief clerk of the house or the secretary of the senate, as applicable. A lobbyist or client of a lobbyist who seeks approval of an item from the chief clerk of the house or the secretary of the senate shall submit the item and evidence of the value of the item at the time that approval is requested.

2. A lobbyist shall inform each of the lobbyist's clients of the requirements of section 68B.22 of the Code and of the responsibility to seek approval prior to giving or sending a nonmonetary item which does not have a readily ascertainable value to a member or a full-time permanent employee of the house or senate.

Rule 17
Financial Transactions

1. A lobbyist shall not, directly or indirectly, make a loan to a member or to an employee of the house or senate.
2. A loan prohibited under this section does not include a loan made in the ordinary course of business of a lobbyist if the primary business of the lobbyist is something other than lobbying, if consideration of equal or greater value is received by the lobbyist, and if fair market value is given or received for the benefit conferred.

Rule 18
Honoraria — Restrictions

A lobbyist or client of a lobbyist shall not pay an honorarium to a member or employee of the house or senate for a speaking engagement or other formal public appearance in the official capacity of the member or employee except as otherwise provided in section 68B.23 of the Code.

Rule 19
Complaints

The procedures for complaints and enforcement of these rules shall be the same as those provided in the house or senate code of ethics.

Rule 20
Procedures and Forms

The chief clerk of the house and the secretary of the senate, subject to the approval of the house or senate ethics committee, as applicable, shall prescribe procedures for compliance with these rules, and shall prepare forms for the filing of complaints and make them available to any person.

Rule 21
Effective Period

These rules governing lobbyists and clients of lobbyists shall be in effect throughout the calendar year, whether or not the general assembly is in session.

Rule 22
Additional Rules

The senate and the house of representatives may adopt rules relating to the activities of lobbyists in the senate rules and house rules that supplement these joint rules.