

~~P. 435~~ 3/4/94 House Ethics
Amended No Pass (H-5210) 3/8/94 (P. 495)

FILED MAR 2 1994

SENATE FILE 2242
BY COMMITTEE ON ETHICS

(SUCCESSOR TO SSB 2194)

Passed Senate, Date ^(P. 493) March 3, 1994 Passed House, Date ^(P. 970) 3/30/94
Vote: Ayes 45 Nays 0 Vote: Ayes 94 Nays 2

Approved April 19, 1994
March 4-5-94
Vote 50-0 (P. 1024)

A BILL FOR

1 An Act relating to ethics in government by deleting incorrect
2 statutory references; adding subunits of political
3 subdivisions to the definition of agency; excluding
4 independent contractors from the definition of local employee;
5 moving language in the gift law exclusions; excluding
6 employees of the general assembly from the definition of state
7 employee; providing that the gift law exclusions apply to the
8 provision of food, beverages, registration, or scheduled
9 entertainment by lobbying organizations to legislators;
10 defining the scope of ethics complaints that may be filed with
11 the ethics and campaign disclosure board; providing a deadline
12 for the filing of personal financial disclosure statements by
13 candidates in special elections; providing that a lobbyist's
14 registration is to be cancelled when lobbying activities for
15 all clients, employers, or causes have been concluded;
16 providing that lobbyists reports of campaign contributions
17 shall be for candidates for state office; and providing a
18 January 31 reporting date for the filing of reports by
19 lobbyists of the general assembly.

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

21
22
23

S.F. 2242

1 Section 1. Section 22.7, subsection 30, Code Supplement
2 1993, is amended to read as follows:

3 30. Records and information obtained or held by
4 independent special counsel during the course of an
5 investigation conducted pursuant to section 68B.34.
6 Information that is disclosed to a legislative ethics
7 committee subsequent to a determination of probable cause by
8 independent special counsel and made pursuant to section
9 68B.31 ~~or~~-68B.32 is not a confidential record unless otherwise
10 provided by law.

11 Sec. 2. Section 68B.2, subsection 1, Code Supplement 1993,
12 is amended to read as follows:

13 1. "Agency" means a department, division, board,
14 commission, bureau, or office of the executive or legislative
15 branch of state government, the office of attorney general,
16 the state board of regents, community colleges, and the office
17 of the governor, including a regulatory agency, or any
18 department, division, board, commission, bureau, or office of
19 a political subdivision of the state, but does not include any
20 agricultural commodity promotional board, which is subject to
21 a producer referendum.

22 Sec. 3. Section 68B.2, subsection 14, Code Supplement
23 1993, is amended to read as follows:

24 14. "Local employee" means a person employed by a
25 political subdivision of this state and does not include an
26 independent contractor.

27 Sec. 4. Section 68B.2, subsection 25, Code Supplement
28 1993, is amended to read as follows:

29 25. "State employee" means a person who is not an official
30 and is a paid employee of the state of Iowa and does not
31 include an independent contractor, an employee of the judicial
32 department who is not an employee of the office of attorney
33 general, ~~a legislative~~ an employee of the general assembly, an
34 employee of a political subdivision of the state, or an
35 employee of any agricultural commodity promotional board, if

1 the board is subject to a producer referendum.

2 Sec. 5. Section 68B.22, subsection 4, paragraph j, Code
3 Supplement 1993, is amended to read as follows:

4 j. Items or services solicited by or given to~~7-for~~
5 ~~purposes-of-a-business-or-educational-conference7-seminar7-or~~
6 ~~other-meeting7~~ a state, national, or regional government
7 organization in which the state of Iowa or a political
8 subdivision of the state is a member~~7~~ for purposes of a
9 business or educational conference, seminar, or other meeting;
10 or solicited by or given ~~for-the-same-purposes~~ to state,
11 national, or regional government organizations, whose
12 memberships and officers are primarily composed of state or
13 local government officials or employees, for the same
14 purposes.

15 Sec. 6. Section 68B.22, subsection 8, Code Supplement
16 1993, is amended to read as follows:

17 8. An Except as otherwise provided in subsection 4, an
18 organization or association which has as one of its purposes
19 the encouragement of the passage, defeat, introduction, or
20 modification of legislation shall not give and a member of the
21 general assembly shall not receive food, beverages,
22 registration, or scheduled entertainment with a per person
23 value in excess of three dollars.

24 Sec. 7. Section 68B.32B, subsection 1, Code Supplement
25 1993, is amended to read as follows:

26 1. Any person may file a complaint alleging that a
27 candidate, committee, person holding a state office in the
28 executive branch of state government, employee of the
29 executive branch of state government, or other person has
30 committed a violation of ~~this-chapter-or~~ chapter 56 or rules
31 adopted by the board. Any person may file a complaint
32 alleging that a person holding a state office in the executive
33 branch of state government, an employee of the executive
34 branch of state government, or a lobbyist or a client of a
35 lobbyist of the executive branch of state government has

1 committed a violation of this chapter or rules adopted by the
2 board. The board shall prescribe and provide forms for this
3 purpose. A complaint must include the name and address of the
4 complainant, a statement of the facts believed to be true that
5 form the basis of the complaint, including the sources of
6 information and approximate dates of the acts alleged, and a
7 certification by the complainant under penalty of perjury that
8 the facts stated to be true are true to the best of the
9 complainant's knowledge.

10 Sec. 8. Section 68B.35, subsection 5, Code Supplement
11 1993, is amended to read as follows:

12 5. A candidate for statewide office shall file a financial
13 statement with the ethics and campaign disclosure board, a
14 candidate for the office of state representative shall file a
15 financial statement with the chief clerk of the house of
16 representatives, and a candidate for the office of state
17 senator shall file a financial statement with the secretary of
18 the senate. Statements shall contain information concerning
19 the year preceding the year in which the election is to be
20 held and concerning so much of the year in which the election
21 is to be held as has elapsed by the date specified in section
22 43.11 for the filing of nomination papers for state office.
23 The statement shall be filed no later than thirty days after
24 the date on which a person is required to file nomination
25 papers for state office under section 43.11, or, if the person
26 is a candidate in a special election, as soon as practicable
27 after the certification of the name of the nominee under
28 section 43.88 but no later than seven days after
29 certification. The ethics and campaign disclosure board shall
30 adopt rules pursuant to chapter 17A providing for the filing
31 of the financial statements with the board and for the
32 deposit, retention, and availability of the financial
33 statements. The ethics committees of the house of
34 representatives and the senate shall recommend rules for
35 adoption by the respective houses providing for the filing of

1 the financial statements with the chief clerk of the house or
2 the secretary of the senate and for the deposit, retention,
3 and availability of the financial statements. Rules adopted
4 shall also include a procedure for notification of candidates
5 of the duty to file disclosure statements under this section.

6 Sec. 9. Section 68B.36, subsection 2, 4, and 5, Code
7 Supplement 1993, are amended to read as follows:

8 2. Registration shall be valid from the date of
9 registration until the expiration of the registration period
10 for the type of lobbying in which the person will be engaging.
11 Any change in or addition to the information shall be
12 registered within ten days after the change or addition is
13 known to the lobbyist. Changes or additions for executive
14 branch lobbyists may be filed either with the executive
15 ~~council-or-with-the-agency-or-office-where-the-original~~
16 ~~registration-was-filed~~ board. Changes or additions for
17 registrations of lobbyists of the general assembly shall be
18 filed with either the chief clerk of the house or the
19 secretary of the senate.

20 4. If a lobbyist's service on behalf of ~~a-particular~~
21 ~~employer,-client,-or-cause~~ all clients, employers, or causes
22 is concluded prior to the end of the calendar year, the
23 lobbyist may cancel the registration on appropriate forms
24 supplied by the ~~executive-council~~ board, the chief clerk of
25 the house, or the secretary of the senate. The cancellation
26 forms shall be filed by the lobbyist in the place where the
27 lobbyist filed the original registration. ~~Persons-within-the~~
28 ~~executive-branch-receiving-forms-cancelling-a-lobbyist's~~
29 ~~registration-shall-forward-the-forms-to-the-executive-council-~~
30 Upon cancellation of registration, a lobbyist is prohibited
31 from engaging in any lobbying activity on behalf of that
32 ~~particular~~ any employer, client, or cause until reregistering
33 and complying with the rules of the ~~executive-council~~ board or
34 the general assembly.

35 5. All federal, state, and local officials or employees

1 representing the official positions of their departments,
2 commissions, boards, or agencies shall, when lobbying the
3 general assembly, present to the chief clerk of the house or
4 the secretary of the senate a letter of authorization from
5 their department or agency heads prior to the commencement of
6 their lobbying. When lobbying a state agency or the office of
7 the governor, the letter shall be presented to the agency-or
8 office board. The lobbyist registration statement of these
9 officials and employees shall not be deemed complete until the
10 letter of authorization is attached. Federal, state, and
11 local officials who wish to lobby in opposition to the
12 official position of their departments, commissions, boards,
13 or agencies must indicate this on their lobbyist registration
14 statements.

15 Sec. 10. Section 68B.37, subsection 1, paragraph b, Code
16 Supplement 1993, is amended to read as follows:

17 b. Campaign-contributions Contributions made to candidates
18 for state office by the lobbyist during calendar months during
19 the reporting period when the general assembly is not in
20 session.

21 Sec. 11. Section 68B.37, subsection 3, Code Supplement
22 1993, is amended to read as follows:

23 3. The reports by lobbyists before the general assembly
24 shall be filed not later than twenty-five days following any
25 month in which the general assembly is in session and
26 thereafter on or before July 31, and October 31, and January
27 31. The monthly report filed by a lobbyist before the general
28 assembly in January shall contain information for the
29 preceding calendar quarter or parts thereof during which the
30 person was engaged in lobbying. Reports filed by lobbyists
31 before a state agency shall be filed on or before April 30,
32 July 31, October 31, and January 31, for the preceding
33 calendar quarter or parts thereof during which the person was
34 engaged in lobbying. If a person cancels the person's
35 lobbyist registration at any time during the calendar year,

1 the reports required by this section are due on the dates
2 required by this section or fifteen days after cancellation,
3 whichever is earlier. The report due January 31 shall include
4 all reportable items for the preceding calendar year in
5 addition to containing the quarterly reportable items. A
6 lobbyist who cancels the person's lobbyist registration before
7 January 1 of a year shall file a report listing all reportable
8 items for the year in which the cancellation was filed. A
9 lobbyist who cancels the person's lobbyist registration
10 between January 1 and January 15 of a year shall file a report
11 listing all reportable items for the preceding year and so
12 much of the month of January as has expired at the time of
13 cancellation. However, if a lobbyist is a person who is
14 designated to represent the interest of an organization as
15 defined in section 68B.2, subsection 13, paragraph "a",
16 subparagraph (2), but is not paid compensation for that
17 representation and does not expend more than one thousand
18 dollars as provided in section 68B.2, subsection 13, paragraph
19 "a", subparagraph (4), the lobbyist shall only be required to
20 file the report specified in this section once annually, which
21 shall be performed at the time of filing the person's lobbyist
22 registration form or forms.

23

EXPLANATION

24 This bill makes various changes related to the ethics in
25 government chapter. Section 1 deletes a reference to the
26 ethics and campaign disclosure board that is contained in a
27 section of the public records law that relates to
28 confidentiality of records of investigations by independent
29 special counsel. The board has its own counsel and does not
30 use the services of the independent special counsel.

31 Section 2 adds language to the portion of the definition of
32 the term "agency" that relates to political subdivisions. The
33 current definition refers to political subdivisions in their
34 entirety. The language added refers to political subdivisions
35 in a manner that is similar to state government.

1 Section 3 excludes independent contractors from the
2 definition of the term "local employee". Independent
3 contractors are excluded from the term "state employee"
4 currently.

5 Section 4 excludes employees of the general assembly from
6 the definition of the term "state employee".

7 Section 5 moves language in the gift law exception that
8 relates to organizations in which the state, a political
9 subdivision of the state, and state and local government
10 officials and employees belong.

11 Section 6 provides that the exceptions to the general
12 prohibition against the receipt of gifts also apply to the
13 prohibition against lobbying organizations giving gifts of
14 food, beverages, registration, or scheduled entertainment in
15 excess of \$3 to legislators.

16 Section 7 specifies that complaints filed against officers,
17 employees, lobbyists, and clients of lobbyists of the
18 executive branch of state government relating to violations of
19 chapter 68B are to be filed with the board.

20 Section 8 adds a deadline for the filing of personal
21 financial statements for candidates for state office in
22 special elections.

23 Section 9 deletes obsolete references to the executive
24 council in the lobbyist registration provision and provides
25 that a lobbyist's registration has to be canceled only when
26 representation of all of the lobbyist's employers, clients, or
27 causes ceases during a registration period.

28 Section 10 specifies that the campaign contributions that
29 are to be disclosed in the lobbyists' reports are only
30 contributions to candidates for state office.

31 Section 11 provides a January 31 filing date for the
32 January cumulative report that must be filed by the lobbyists
33 of the general assembly. This is the same date required for a
34 filing of the cumulative report by lobbyists of the executive
35 branch.

SENATE FILE 2242

H-5210

1 Amend Senate File 2242, as passed by the Senate, as
2 follows:

3 1. Page 2, lines 13 and 14, by striking the words
4 "the same purposes" and inserting the following:
5 "purposes of a business or educational conference,
6 seminar, or other meeting".

7 2. Page 2, by inserting after line 14 the follow-
8 ing:

9 "Sec. ____ . Section 68B.22, subsection 4, Code
10 Supplement 1993, is amended by adding the following
11 new paragraph:

12 NEW PARAGRAPH. q. Actual registration costs for
13 informational meetings or sessions which assist a
14 public official or public employee in the performance
15 of the person's official functions. The costs of
16 food, drink, lodging and travel are not "registration
17 costs" under this paragraph. Meetings or sessions
18 which a public official or public employee attends for
19 personal or professional licensing purposes are not
20 "informational meetings or sessions which assist a
21 public official or public employee in the performance
22 of the person's official functions" under this
23 paragraph."

24 3. Page 3, by inserting after line 9 the
25 following:

26 Sec. ____ . Section 68B.35, subsection 2, paragraph
27 h, Code Supplement 1993, is amended to read as
28 follows:

29 ~~h. Legislative employees who are the head or~~
30 ~~deputy head of a legislative agency or whose position~~
31 ~~involves a substantial exercise of administrative~~
32 ~~discretion or the expenditure of public funds of each~~
33 house as required in rules adopted by each house, and
34 central legislative staff agency employees as required
35 in rules prescribed by the legislative council."

36 4. Page 3, line 28, by striking the figure and
37 word "43.88 but" and inserting the following: "43.88,
38 but the statement shall be postmarked".

39 5. By renumbering as necessary.

By COMMITTEE ON ETHICS
CARPENTER of Polk, Chairperson

H-5210 FILED MARCH 8, 1994

adopted 3/30/94

(p. 969)

SENATE FILE 2242

H-5251

1 Amend Senate File 2242, as passed by the Senate, as
2 follows:
3 1. Page 5, by striking lines 27 through 29, and
4 inserting the following: "31. The monthly-report
5 reports filed by a lobbyist before the general
6 assembly in-January shall contain information for the
7 preceding calendar month or quarter or parts thereof
8 during which the".
9 2. Page 5, by striking line 34 and inserting the
10 following: "engaged in lobbying."
11 PARAGRAPH DIVIDED. If a person cancels the
12 person's".

By CARPENTER of Polk

H-5251 FILED MARCH 9, 1994

Adopted
3/30/94
(P. 969)

SENATE FILE 2242

S-5457

- 1 Amend the House amendment, S-5358, to Senate File
- 2 2242, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 24 through 35.
- 4 2. By renumbering as necessary.

By RALPH ROSENBERG
RICHARD F. DRAKE
DON GETTINGS

S-5457 FILED APRIL 5, 1994

ADOPTED (P. 1024)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2242

H-5994

- 1 Amend the House amendment, S-5358, to Senate File
- 2 2242, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 24 through 35.
- 4 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5994 FILED APRIL 6, 1994

Never Consumed

4-7-94

(P. 1216)

HOUSE AMENDMENT TO
SENATE FILE 2242

S-5358

1 Amend Senate File 2242, as passed by the Senate, as
2 follows:

3 1. Page 2, lines 13 and 14, by striking the words
4 "the same purposes" and inserting the following:
5 "purposes of a business or educational conference,
6 seminar, or other meeting".

7 2. Page 2, by inserting after line 14 the follow-
8 ing:

9 "Sec. ____ . Section 68B.22, subsection 4, Code
10 Supplement 1993, is amended by adding the following
11 new paragraph:

12 NEW PARAGRAPH. q. Actual registration costs for
13 informational meetings or sessions which assist a
14 public official or public employee in the performance
15 of the person's official functions. The costs of
16 food, drink, lodging and travel are not "registration
17 costs" under this paragraph. Meetings or sessions
18 which a public official or public employee attends for
19 personal or professional licensing purposes are not
20 "informational meetings or sessions which assist a
21 public official or public employee in the performance
22 of the person's official functions" under this
23 paragraph."

24 3. Page 3, by inserting after line 9 the
25 following:

26 "Sec. ____ . Section 68B.35, subsection 2, paragraph
27 h, Code Supplement 1993, is amended to read as
28 follows:

29 h. ~~Legislative employees who are the head or~~
30 ~~deputy head of a legislative agency or whose position~~
31 ~~involves a substantial exercise of administrative~~
32 ~~discretion or the expenditure of public funds of each~~
33 ~~house as required in rules adopted by each house, and~~
34 ~~central legislative staff agency employees as required~~
35 ~~in rules prescribed by the legislative council."~~

36 4. Page 3, line 28, by striking the figure and
37 word "43.88 but" and inserting the following: "43.88,
38 but the statement shall be postmarked".

39 5. Page 5, by striking lines 27 through 29, and
40 inserting the following: "31. The monthly report
41 reports filed by a lobbyist before the general
42 assembly in January shall contain information for the
43 preceding calendar month or quarter or parts thereof
44 during which the".

45 6. Page 5, by striking line 34 and inserting the
46 following: "engaged in lobbying.

47 PARAGRAPH DIVIDED. If a person cancels the
48 person's".

49 7. By renumbering, relettering, or redesignating
50 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5358 FILED MARCH 30, 1994

Senate Concurred 4-5-94
(P. 1024)

Rosenberg - chair
Gettings
Hedge

SSB-2194

Ethics
New
2242

SENATE FILE
BY (PROPOSED COMMITTEE ON
ETHICS BILL BY CHAIRPERSON
GETTINGS)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to ethics in government by deleting incorrect
2 statutory references; adding subunits of political
3 subdivisions to the definition of agency; excluding
4 independent contractors from the definition of local employee;
5 moving language in the gift law exclusions; providing that the
6 gift law exclusions apply to the provision of food, beverages,
7 registration, or scheduled entertainment by lobbying
8 organizations to legislators; defining the scope of ethics
9 complaints that may be filed with the ethics and campaign
10 disclosure board; providing a deadline for the filing of
11 personal financial disclosure statements by candidates in
12 special elections; providing that a lobbyist's registration is
13 to be cancelled when lobbying activities for all clients,
14 employers, or causes have been concluded; providing that
15 lobbyists reports of campaign contributions shall be for
16 candidates for state office; and providing a January 31
17 reporting date for the filing of reports by lobbyists of the
18 general assembly.

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

20
21
22
23

1 Section 1. Section 22.7, subsection 30, Code Supplement
2 1993, is amended to read as follows:

3 30. Records and information obtained or held by
4 independent special counsel during the course of an
5 investigation conducted pursuant to section 68B.34.
6 Information that is disclosed to a legislative ethics
7 committee subsequent to a determination of probable cause by
8 independent special counsel and made pursuant to section
9 68B.31 ~~or-68B.32~~ is not a confidential record unless otherwise
10 provided by law.

11 Sec. 2. Section 68B.2, subsection 1, Code Supplement 1993,
12 is amended to read as follows:

13 1. "Agency" means a department, division, board,
14 commission, bureau, or office of the executive or legislative
15 branch of state government, the office of attorney general,
16 the state board of regents, community colleges, and the office
17 of the governor, including a regulatory agency, or any
18 department, division, board, commission, bureau, or office of
19 a political subdivision of the state, but does not include any
20 agricultural commodity promotional board, which is subject to
21 a producer referendum.

22 Sec. 3. Section 68B.2, subsection 14, Code Supplement
23 1993, is amended to read as follows:

24 14. "Local employee" means a person employed by a
25 political subdivision of this state and does not include an
26 independent contractor.

27 Sec. 4. Section 68B.22, subsection 4, paragraph j, Code
28 Supplement 1993, is amended to read as follows:

29 j. Items or services solicited by or given to ~~for~~
30 ~~purposes-of-a-business-or-educational-conference, seminar, or~~
31 ~~other-meeting,~~ a state, national, or regional government
32 organization in which the state of Iowa or a political
33 subdivision of the state is a member, for purposes of a
34 business or educational conference, seminar, or other meeting;
35 or solicited by or given ~~for-the-same-purposes~~ to state,

1 national, or regional government organizations, whose
2 memberships and officers are primarily composed of state or
3 local government officials or employees, for the same
4 purposes.

5 Sec. 5. Section 68B.22, subsection 8, Code Supplement
6 1993, is amended to read as follows:

7 8. An Except as otherwise provided in subsection 4, an
8 organization or association which has as one of its purposes
9 the encouragement of the passage, defeat, introduction, or
10 modification of legislation shall not give and a member of the
11 general assembly shall not receive food, beverages,
12 registration, or scheduled entertainment with a per person
13 value in excess of three dollars.

14 Sec. 6. Section 68B.32B, subsection 1, Code Supplement
15 1993, is amended to read as follows:

16 1. Any person may file a complaint alleging that a
17 candidate, committee, person holding a state office in the
18 executive branch of state government, employee of the
19 executive branch of state government, or other person has
20 committed a violation of ~~this chapter or~~ chapter 56 or rules
21 adopted by the board. Any person may file a complaint
22 alleging that a person holding a state office in the executive
23 branch of state government, an employee of the executive
24 branch of state government, or a lobbyist or a client of a
25 lobbyist of the executive branch of state government has
26 committed a violation of this chapter or rules adopted by the
27 board. The board shall prescribe and provide forms for this
28 purpose. A complaint must include the name and address of the
29 complainant, a statement of the facts believed to be true that
30 form the basis of the complaint, including the sources of
31 information and approximate dates of the acts alleged, and a
32 certification by the complainant under penalty of perjury that
33 the facts stated to be true are true to the best of the
34 complainant's knowledge.

35 Sec. 7. Section 68B.35, subsection 5, Code Supplement

1 1993, is amended to read as follows:

2 5. A candidate for statewide office shall file a financial
3 statement with the ethics and campaign disclosure board, a
4 candidate for the office of state representative shall file a
5 financial statement with the chief clerk of the house of
6 representatives, and a candidate for the office of state
7 senator shall file a financial statement with the secretary of
8 the senate. Statements shall contain information concerning
9 the year preceding the year in which the election is to be
10 held and concerning so much of the year in which the election
11 is to be held as has elapsed by the date specified in section
12 43.11 for the filing of nomination papers for state office.
13 The statement shall be filed no later than thirty days after
14 the date on which a person is required to file nomination
15 papers for state office under section 43.11, or, if the person
16 is a candidate in a special election, as soon as practicable
17 after the certification of the name of the nominee under
18 section 43.88 but no later than seven days after
19 certification. The ethics and campaign disclosure board shall
20 adopt rules pursuant to chapter 17A providing for the filing
21 of the financial statements with the board and for the
22 deposit, retention, and availability of the financial
23 statements. The ethics committees of the house of
24 representatives and the senate shall recommend rules for
25 adoption by the respective houses providing for the filing of
26 the financial statements with the chief clerk of the house or
27 the secretary of the senate and for the deposit, retention,
28 and availability of the financial statements. Rules adopted
29 shall also include a procedure for notification of candidates
30 of the duty to file disclosure statements under this section.

31 Sec. 8. Section 68B.36, subsection 2, 4, and 5, Code
32 Supplement 1993, are amended to read as follows:

33 2. Registration shall be valid from the date of
34 registration until the expiration of the registration period
35 for the type of lobbying in which the person will be engaging.

1 Any change in or addition to the information shall be
2 registered within ten days after the change or addition is
3 known to the lobbyist. Changes or additions for executive
4 branch lobbyists may be filed either with the executive
5 ~~council-or-with-the-agency-or-office-where-the-original~~
6 ~~registration-was-filed~~ board. Changes or additions for
7 registrations of lobbyists of the general assembly shall be
8 filed with either the chief clerk of the house or the
9 secretary of the senate.

10 4. If a lobbyist's service on behalf of ~~a-particular~~
11 ~~employer,-client,-or-cause~~ all clients, employers, or causes
12 is concluded prior to the end of the calendar year, the
13 lobbyist may cancel the registration on appropriate forms
14 supplied by the ~~executive-council~~ board, the chief clerk of
15 the house, or the secretary of the senate. The cancellation
16 forms shall be filed by the lobbyist in the place where the
17 lobbyist filed the original registration. ~~Persons-within-the~~
18 ~~executive-branch-receiving-forms-canceling-a-lobbyist's~~
19 ~~registration-shall-forward-the-forms-to-the-executive-council-~~
20 Upon cancellation of registration, a lobbyist is prohibited
21 from engaging in any lobbying activity on behalf of that
22 ~~particular~~ any employer, client, or cause until reregistering
23 and complying with the rules of the ~~executive-council~~ board or
24 the general assembly.

25 5. All federal, state, and local officials or employees
26 representing the official positions of their departments,
27 commissions, boards, or agencies shall, when lobbying the
28 general assembly, present to the chief clerk of the house or
29 the secretary of the senate a letter of authorization from
30 their department or agency heads prior to the commencement of
31 their lobbying. When lobbying a state agency or the office of
32 the governor, the letter shall be presented to the ~~agency-or~~
33 ~~office~~ board. The lobbyist registration statement of these
34 officials and employees shall not be deemed complete until the
35 letter of authorization is attached. Federal, state, and

1 local officials who wish to lobby in opposition to the
2 official position of their departments, commissions, boards,
3 or agencies must indicate this on their lobbyist registration
4 statements.

5 Sec. 9. Section 68B.37, subsection 1, paragraph b, Code
6 Supplement 1993, is amended to read as follows:

7 b. ~~Campaign-contributions~~ Contributions made to candidates
8 for state office by the lobbyist during calendar months during
9 the reporting period when the general assembly is not in
10 session.

11 Sec. 10. Section 68B.37, subsection 3, Code Supplement
12 1993, is amended to read as follows:

13 3. The reports by lobbyists before the general assembly
14 shall be filed not later than twenty-five days following any
15 month in which the general assembly is in session and
16 thereafter on or before July 31, and October 31, and January
17 31. The monthly report filed by a lobbyist before the general
18 assembly in January shall contain information for the
19 preceding calendar quarter or parts thereof during which the
20 person was engaged in lobbying. Reports filed by lobbyists
21 before a state agency shall be filed on or before April 30,
22 July 31, October 31, and January 31, for the preceding
23 calendar quarter or parts thereof during which the person was
24 engaged in lobbying. If a person cancels the person's
25 lobbyist registration at any time during the calendar year,
26 the reports required by this section are due on the dates
27 required by this section or fifteen days after cancellation,
28 whichever is earlier. The report due January 31 shall include
29 all reportable items for the preceding calendar year in
30 addition to containing the quarterly reportable items. A
31 lobbyist who cancels the person's lobbyist registration before
32 January 1 of a year shall file a report listing all reportable
33 items for the year in which the cancellation was filed. A
34 lobbyist who cancels the person's lobbyist registration
35 between January 1 and January 15 of a year shall file a report

1 listing all reportable items for the preceding year and so
2 much of the month of January as has expired at the time of
3 cancellation. However, if a lobbyist is a person who is
4 designated to represent the interest of an organization as
5 defined in section 68B.2, subsection 13, paragraph "a",
6 subparagraph (2), but is not paid compensation for that
7 representation and does not expend more than one thousand
8 dollars as provided in section 68B.2, subsection 13, paragraph
9 "a", subparagraph (4), the lobbyist shall only be required to
10 file the report specified in this section once annually, which
11 shall be performed at the time of filing the person's lobbyist
12 registration form or forms. thereof during which the person
13 was engaged in lobbying. If a person cancels the person's
14 lobbyist registration at any time during the calendar year,
15 the reports required by this section are due on the dates
16 required by this section or fifteen days after cancellation,
17 whichever is earlier. The report due January 31 shall include
18 all reportable items for the preceding calendar year in
19 addition to containing the quarterly reportable items. A
20 lobbyist who cancels the person's lobbyist registration before
21 January 1 of a year shall file a report listing all reportable
22 items for the year in which the cancellation was filed. A
23 lobbyist who cancels the person's lobbyist registration
24 between January 1 and January 15 of a year shall file a report
25 listing all reportable items for the preceding year and so
26 much of the month of January as has expired at the time of
27 cancellation. However, if a lobbyist is a person who is
28 designated to represent the interest of an organization as
29 defined in section 68B.2, subsection 13, paragraph "a",
30 subparagraph (2), but is not paid compensation for that
31 representation and does not expend more than one thousand
32 dollars as provided in section 68B.2, subsection 13, paragraph
33 "a", subparagraph (4), the lobbyist shall only be required to
34 file the report specified in this section once annually, which
35 shall be performed at the time of filing the person's lobbyist

1 registration form or forms.

2

EXPLANATION

3 This bill makes various changes related to the ethics in
4 government chapter. Section 1 deletes a reference to the
5 ethics and campaign disclosure board that is contained in a
6 section of the public records law that relates to
7 confidentiality of records of investigations by independent
8 special counsel. The board has its own counsel and does not
9 use the services of the independent special counsel.

10 Section 2 adds language to the portion of the definition of
11 the term "agency" that relates to political subdivisions. The
12 current definition refers to political subdivisions in their
13 entirety. The language added refers to political subdivisions
14 in a manner that is similar to state government.

15 Section 3 excludes independent contractors from the
16 definition of the term "local employee". Independent
17 contractors are excluded from the term "state employee"
18 currently.

19 Section 4 moves language in the gift law exception that
20 relates to organizations in which the state, a political
21 subdivision of the state, and state and local government
22 officials and employees belong.

23 Section 5 provides that the exceptions to the general
24 prohibition against the receipt of gifts also apply to the
25 prohibition against lobbying organizations giving gifts of
26 food, beverages, registration, or scheduled entertainment in
27 excess of \$3 to legislators.

28 Section 6 specifies that complaints filed against officers,
29 employees, lobbyists, and clients of lobbyists of the
30 executive branch of state government relating to violations of
31 chapter 68B are to be filed with the board.

32 Section 7 adds a deadline for the filing of personal
33 financial statements for candidates for state office in
34 special elections.

35 Section 8 deletes obsolete references to the executive

1 council in the lobbyist registration provision and provides
2 that a lobbyist's registration has to be canceled only when
3 representation of all of the lobbyist's employers, clients, or
4 causes ceases during a registration period.

5 Section 9 specifies that the campaign contributions that
6 are to be disclosed in the lobbyists' reports are only
7 contributions to candidates for state office.

8 Section 10 provides a January 31 filing date for the
9 January cumulative report that must be filed by the lobbyists
10 of the general assembly. This is the same date required for a
11 filing of the cumulative report by lobbyists of the executive
12 branch.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

JANUARY 31 REPORTING DATE FOR THE FILING OF REPORTS BY LOBBYISTS OF THE GENERAL ASSEMBLY.

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

SENATE FILE 2242

AN ACT

RELATING TO ETHICS IN GOVERNMENT BY DELETING INCORRECT STATUTORY REFERENCES; ADDING SUBUNITS OF POLITICAL SUBDIVISIONS TO THE DEFINITION OF AGENCY; EXCLUDING INDEPENDENT CONTRACTORS FROM THE DEFINITION OF LOCAL EMPLOYEE; MOVING LANGUAGE IN THE GIFT LAW EXCLUSIONS; EXCLUDING EMPLOYEES OF THE GENERAL ASSEMBLY FROM THE DEFINITION OF STATE EMPLOYEE; PROVIDING THAT THE GIFT LAW EXCLUSIONS APPLY TO THE PROVISION OF FOOD, BEVERAGES, REGISTRATION, OR SCHEDULED ENTERTAINMENT BY LOBBYING ORGANIZATIONS TO LEGISLATORS; DEFINING THE SCOPE OF ETHICS COMPLAINTS THAT MAY BE FILED WITH THE ETHICS AND CAMPAIGN DISCLOSURE BOARD; PROVIDING A DEADLINE FOR THE FILING OF PERSONAL FINANCIAL DISCLOSURE STATEMENTS BY CANDIDATES IN SPECIAL ELECTIONS; PROVIDING THAT A LOBBYIST'S REGISTRATION IS TO BE CANCELLED WHEN LOBBYING ACTIVITIES FOR ALL CLIENTS, EMPLOYERS, OR CAUSES HAVE BEEN CONCLUDED; PROVIDING THAT LOBBYISTS REPORTS OF CAMPAIGN CONTRIBUTIONS SHALL BE FOR CANDIDATES FOR STATE OFFICE; AND PROVIDING A

Section 1. Section 22.7, subsection 30, Code Supplement 1993, is amended to read as follows:

30. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.34. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 ~~or 68B.32~~ is not a confidential record unless otherwise provided by law.

Sec. 2. Section 68B.2, subsection 1, Code Supplement 1993, is amended to read as follows:

1. "Agency" means a department, division, board, commission, bureau, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, or any department, division, board, commission, bureau, or office of a political subdivision of the state, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.

Sec. 3. Section 68B.2, subsection 14, Code Supplement 1993, is amended to read as follows:

14. "Local employee" means a person employed by a political subdivision of this state and does not include an independent contractor.

Sec. 4. Section 68B.2, subsection 25, Code Supplement 1993, is amended to read as follows:

25. "State employee" means a person who is not an official and is a paid employee of the state of Iowa and does not

include an independent contractor, an employee of the judicial department who is not an employee of the office of attorney general, ~~a legislative an~~ employee of the general assembly, an employee of a political subdivision of the state, or an employee of any agricultural commodity promotional board, if the board is subject to a producer referendum.

Sec. 5. Section 68B.22, subsection 4, paragraph j, Code Supplement 1993, is amended to read as follows:

j. ~~Items or services solicited by or given to for purposes of a business or educational conference, seminar, or other meeting;~~ a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member; for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given ~~for the same purposes~~ to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.

Sec. 6. Section 68B.22, subsection 4, Code Supplement 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

Sec. 7. Section 68B.22, subsection 8, Code Supplement 1993, is amended to read as follows:

8. An Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes

the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

Sec. 8. Section 68B.32B, subsection 1, Code Supplement 1993, is amended to read as follows:

1. Any person may file a complaint alleging that a candidate, committee, person holding a state office in the executive branch of state government, employee of the executive branch of state government, or other person has committed a violation of ~~this chapter or~~ chapter 56 or rules adopted by the board. Any person may file a complaint alleging that a person holding a state office in the executive branch of state government, an employee of the executive branch of state government, or a lobbyist or a client of a lobbyist of the executive branch of state government has committed a violation of this chapter or rules adopted by the board. The board shall prescribe and provide forms for this purpose. A complaint must include the name and address of the complainant, a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged, and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

Sec. 9. Section 68B.35, subsection 5, Code Supplement 1993, is amended to read as follows:

5. A candidate for statewide office shall file a financial statement with the ethics and campaign disclosure board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning

the year preceding the year in which the election is to be held and concerning so much of the year in which the election is to be held as has elapsed by the date specified in section 43.11 for the filing of nomination papers for state office. The statement shall be filed no later than thirty days after the date on which a person is required to file nomination papers for state office under section 43.11, or, if the person is a candidate in a special election, as soon as practicable after the certification of the name of the nominee under section 43.88, but the statement shall be postmarked no later than seven days after certification. The ethics and campaign disclosure board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house of representatives and the senate shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

Sec. 10. Section 68B.36, subsection 2, 4, and 5, Code Supplement 1993, are amended to read as follows:

2. Registration shall be valid from the date of registration until the expiration of the registration period for the type of lobbying in which the person will be engaging. Any change in or addition to the information shall be registered within ten days after the change or addition is known to the lobbyist. Changes or additions for executive branch lobbyists may be filed either with the executive council or with the agency or office where the original registration was filed board. Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.

4. If a lobbyist's service on behalf of a particular employer, client, or cause all clients, employers, or causes is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the executive council board, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration. ~~Persons within the executive branch receiving forms canceling a lobbyist's registration shall forward the forms to the executive council.~~ Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular any employer, client, or cause until reregistering and complying with the rules of the executive council board or the general assembly.

5. All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards, or agencies shall, when lobbying the general assembly, present to the chief clerk of the house or the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. When lobbying a state agency or the office of the governor, the letter shall be presented to the agency or office board. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

Sec. 11. Section 68B.37, subsection 1, paragraph b, Code Supplement 1993, is amended to read as follows:

b. ~~Campaign contributions~~ Contributions made to candidates for state office by the lobbyist during calendar months during the reporting period when the general assembly is not in session.

Sec. 12. Section 68B.37, subsection 3, Code Supplement 1993, is amended to read as follows:

3. The reports by lobbyists before the general assembly shall be filed not later than twenty-five days following any month in which the general assembly is in session and thereafter on or before July 31, and October 31, and January 31. The monthly-report reports filed by a lobbyist before the general assembly in January shall contain information for the preceding calendar month or quarter or parts thereof during which the person was engaged in lobbying. Reports filed by lobbyists before a state agency shall be filed on or before April 30, July 31, October 31, and January 31, for the preceding calendar quarter or parts thereof during which the person was engaged in lobbying.

PARAGRAPH DIVIDED. If a person cancels the person's lobbyist registration at any time during the calendar year, the reports required by this section are due on the dates required by this section or fifteen days after cancellation, whichever is earlier. The report due January 31 shall include all reportable items for the preceding calendar year in addition to containing the quarterly reportable items. A lobbyist who cancels the person's lobbyist registration before January 1 of a year shall file a report listing all reportable items for the year in which the cancellation was filed. A lobbyist who cancels the person's lobbyist registration between January 1 and January 15 of a year shall file a report listing all reportable items for the preceding year and so much of the month of January as has expired at the time of cancellation. However, if a lobbyist is a person who is designated to represent the interest of an organization as defined in section 68B.2, subsection 13, paragraph "a", subparagraph (2), but is not paid compensation for that representation and does not expend more than one thousand dollars as provided in section 68B.2, subsection 13, paragraph "a", subparagraph (4), the lobbyist shall only be required to

file the report specified in this section once annually, which shall be performed at the time of filing the person's lobbyist registration form or forms.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2242, Seventy-fifth General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved *April 19*, 1994

TERRY E. BRANSTAD
Governor