

MAR 7 1995

HOUSE FILE 273
BY ERTL

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

A BILL FOR

1 An Act relating to the lobbying of state government, by defining
2 the activity of lobbying, defining the term political
3 subdivision, and prohibiting the use of public funds to lobby
4 state agencies or political subdivisions.

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

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HF 273

1 Section 1. Section 68B.2, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12A. "Lobby" or "lobbying" means the act
4 of encouraging the passage, defeat, approval, veto, or
5 modification of legislation, a rule, or an executive order.
6 "Lobby" or "lobbying" does not include formal appearances to
7 give testimony or information at meetings of committees of the
8 general assembly or at public hearings of state agencies or
9 the giving of testimony or providing information or assistance
10 at the specific request of public officials or employees.
11 "Lobby" or "lobbying" also does not include communications by
12 a federal, state, or local elected official with public
13 officials or public employees if those communications directly
14 concern the constituencies represented by the federal, state,
15 or local elected official and are made while performing the
16 duties and responsibilities of federal, state, or local
17 office; communications by officials and employees of a
18 political party organized in the state of Iowa representing
19 more than two percent of the total votes cast for governor in
20 the last preceding general election, but only when
21 representing the political party in an official capacity;
22 communications made by agency officials and employees to other
23 persons within the agency while engaged in activities within
24 the agency in which they serve or are employed or to persons
25 within another agency with which the official's or employee's
26 agency is involved in a collaborative project.

27 Sec. 2. Section 68B.2, subsection 13, paragraph a,
28 subparagraphs (1) through (4), Code 1995, are amended to read
29 as follows:

30 (1) ~~Receives compensation to encourage the passage,~~
31 ~~defeat, approval, veto, or modification of legislation, a~~
32 ~~rule, or an executive order by~~ lobby the members of the
33 general assembly, a state agency, or any statewide elected
34 official.

35 (2) Is a designated representative of an organization

1 which has as one of its purposes the encouragement-of-the
2 passage,-defeat,-approval,-veto,-or-modification-of
3 legislation,-a-rule,-or-an-executive-order-before lobbying of
4 the general assembly, a state agency, or any statewide elected
5 official.

6 (3) Represents the position of a federal, state, or local
7 government agency, in which the person serves or is employed
8 as the designated representative, for purposes of encouraging
9 the-passage,-defeat,-approval,-veto,-or-modification-of
10 legislation,-a-rule,-or-an-executive-order-by lobbying the
11 members of the general assembly, a state agency, or any
12 statewide elected official.

13 (4) Makes expenditures of more than one thousand dollars
14 in a calendar year, other than to pay compensation to an
15 individual who provides the services specified under
16 subparagraph (1) or to communicate with only the members of
17 the general assembly who represent the district in which the
18 individual resides, to ~~communicate-in-person-with~~ personally
19 lobby the members of the general assembly, a state agency, or
20 any statewide elected official ~~for-purposes-of-encouraging-the~~
21 ~~passage,-defeat,-approval,-veto,-or-modification-of~~
22 ~~legislation,-a-rule,-or-an-executive-order.~~

23 Sec. 3. Section 68B.2, subsection 13, paragraph b, Code
24 1995, is amended by striking the paragraph.

25 Sec. 4. Section 68B.2, Code 1995, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 18A. "Political subdivision" means a
28 city, county, school corporation, or any public body or public
29 corporation which is not an agency of state government that
30 has power to levy or certify a tax or sum of money to be
31 collected by taxation.

32 Sec. 5. NEW SECTION. 68B.5B USE OF PUBLIC FUNDS BY STATE
33 AGENCY FOR LOBBYING PROHIBITED.

34 An agency of state government shall not use public funds
35 appropriated to the agency for purposes of lobbying members of

1 the general assembly, a state agency, or any statewide elected
2 official. A person, corporation, organization, association,
3 or entity shall not use funds received from a state agency for
4 the purposes of lobbying members of the general assembly, a
5 state agency, or any statewide elected official.

6 Sec. 6. NEW SECTION. 68B.5C USE OF POLITICAL SUBDIVISION
7 FUNDS FOR LOBBYING PROHIBITED.

8 A political subdivision shall not use public funds
9 appropriated or levied or certified through taxation for
10 purposes of lobbying members of the general assembly, a state
11 agency, or any statewide elected official. A person,
12 corporation, organization, association, or entity shall not
13 use funds received from a political subdivision for the
14 purposes of lobbying members of the general assembly, a state
15 agency, or any statewide elected official.

16 EXPLANATION

17 This bill creates a definition of the term "lobby" and
18 modifies the definition of the term "lobbyist" to conform that
19 term to the new term. The term "lobby" is defined to mean the
20 act of encouraging the passage, defeat, approval, veto, or
21 modification of legislation, a rule, or an executive order.
22 Certain forms of communication, such as formal appearances to
23 give testimony, providing information or assistance at the
24 specific request of a public official or employee,
25 communications which are directly related to the performance
26 of duties of elective office, communications made by political
27 party officials which are related to party functions, and
28 interagency and intraagency communications related to agency
29 activities or collaborative projects, are excluded from the
30 definition of the term "lobby". A definition of the term
31 "political subdivision" is added and it is defined to mean a
32 city, county, school corporation, or any public body or public
33 corporation which is not an agency of state government, but
34 has the power to levy or certify a tax or sum of money to be
35 collected by taxation.

1 The bill creates two prohibitions related to the use of
2 public funds for lobbying purposes. The first prohibition
3 relates to the use of public funds appropriated to a state
4 agency for purposes of lobbying the general assembly, a state
5 agency, or any statewide elected official. Agencies are
6 prohibited from using public funds in such a manner as are
7 persons who receive public funds from a state agency. The
8 second prohibition relates to the use of public funds
9 appropriated to or raised by a political subdivision by
10 taxation. A political subdivision is prohibited from using
11 public funds for lobbying purposes and persons who receive
12 public funds from a political subdivision are prohibited from
13 using those funds.

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