

House Study Bill 26 - Introduced

HOUSE CONCURRENT RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON J. SMITH)

1 A Concurrent Resolution relating to the joint rules
2 governing lobbyists of the Senate and House of
3 Representatives for the Eighty-fifth General
4 Assembly.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
6 SENATE CONCURRING, That ~~Senate Resolution 4 and House~~
7 ~~Resolution 12 are superseded by this resolution and~~
8 ~~that~~ the joint rules governing lobbyists of the Senate
9 and House of Representatives for the ~~Eighty-fourth~~
10 Eighty-fifth General Assembly shall be as follows:

11 JOINT RULES GOVERNING LOBBYISTS

12 Rule 1

13 DEFINITIONS

14 As used in these rules, "client", "gift",
15 "honoraria" or "honorarium", "immediate family member",
16 and "lobbyist" have the meaning provided in chapter
17 68B of the Code. As used in these rules, the term
18 "political action committee" means a committee, but not
19 a candidate's committee, which accepts contributions,
20 makes expenditures, or incurs indebtedness in the
21 aggregate of more than seven hundred fifty dollars
22 in any one calendar year to expressly advocate the
23 nomination, election, or defeat of a candidate for
24 public office or to expressly advocate the passage or
25 defeat of a ballot issue or influencing legislative
26 action, or an association, lodge, society, cooperative,
27 union, fraternity, sorority, educational institution,

1 civic organization, labor organization, religious
2 organization, or professional or other organization
3 which makes contributions in the aggregate of more than
4 seven hundred fifty dollars in any one calendar year
5 to expressly advocate the nomination, election, or
6 defeat of a candidate for public office or to expressly
7 advocate the passage or defeat of a ballot issue or
8 influencing legislative action.

9

Rule 2

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REGISTRATION REQUIRED

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

24 2. A declaration on a bill, resolution, or study
25 bill shall be filed prior to the lobbyist advocating
26 for or against the bill, resolution, or study bill
27 or stating that the lobbyist's client is undecided.
28 If such a prior declaration is impracticable, a
29 declaration shall be made within one working day
30 of the commencement of advocating for or against

1 the bill, resolution, or study bill or stating that
2 the lobbyist's client is undecided. A change to a
3 declaration for a bill, resolution, or study bill shall
4 be filed within one working day of when the change
5 becomes effective.

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

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

24 5. If a registered lobbyist represents more than
25 one employer, client, or cause and the lobbyist's
26 services are concluded on behalf of a particular
27 employer, client, or cause after the lobbyist registers
28 but before the first day of the next legislative
29 session, the lobbyist shall file an amendment to the
30 lobbyist's registration indicating which employer,

1 client, or cause is no longer represented by the
2 lobbyist and the date upon which the representation
3 concluded.

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

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

16 Rule 3

17 ELECTRONIC FILING

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

24 Rule 4

25 LOBBYIST'S CLIENT REPORTING

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

29 2. For purposes of this rule, and the report
30 required under section 68B.38, "lobbying purposes"

1 include but are not limited to the following:

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

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

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

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

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Rule 5

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GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

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

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Rule 6

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PUBLIC ACCESS

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

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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

1 interests of a member.

2 Rule 11

3 PERSONAL OR FINANCIAL OBLIGATION

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

7 Rule 12

8 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

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

12 Rule 13

13 CAMPAIGN SUPPORT

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

21 Rule 14

22 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

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

26 Rule 15

27 EXCESS PAYMENTS

28 A lobbyist shall not pay or agree to pay to a member
29 a price, fee, compensation, or other consideration for
30 the sale or lease of any property or the furnishing of

1 services which is substantially in excess of that which
2 other persons in the same business or profession would
3 charge in the ordinary course of business.

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Rule 16

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PROHIBITION AGAINST GIFTS

6 1. A lobbyist or client of a lobbyist shall not,
7 directly or indirectly, offer or make a gift or series
8 of gifts to any member or full-time permanent employee
9 of the house or senate or the immediate family members
10 of a member or full-time permanent employee of the
11 house or senate except as otherwise provided in section
12 68B.22 of the Code. A lobbyist or client of a lobbyist
13 who intends or plans to give a nonmonetary item, other
14 than food or drink consumed in the presence of the
15 donor, which does not have a readily ascertainable
16 value, to a member or full-time permanent employee of
17 the house or senate, prior to giving or sending the
18 item to the member or employee, shall seek approval
19 of the item from the chief clerk of the house or the
20 secretary of the senate, as applicable. A lobbyist or
21 client of a lobbyist who seeks approval of an item from
22 the chief clerk of the house or the secretary of the
23 senate shall submit the item and evidence of the value
24 of the item at the time that approval is requested.

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

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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

1 procedures for compliance with these rules, and shall
2 prepare forms for the filing of complaints and make
3 them available to any person.

4 Rule 21

5 EFFECTIVE PERIOD

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

10 Rule 22

11 ADDITIONAL RULES

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