

Senate Concurrent Resolution 3 - Introduced

SENATE CONCURRENT RESOLUTION NO. 3

BY COMMITTEE ON ETHICS

(SUCCESSOR TO SSB 1061)

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7 ~~4 and House Resolution 12 are superseded by this~~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

JOINT RULES GOVERNING LOBBYISTS

Rule 1

DEFINITIONS

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

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

10

Rule 2

11

REGISTRATION REQUIRED

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

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

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

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

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

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

S.C.R. 3

1 lobbyist's registration indicating which employer,
2 client, or cause is no longer represented by the
3 lobbyist and the date upon which the representation
4 concluded.

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

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

17 Rule 3

18 ELECTRONIC FILING

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

25 Rule 4

26 LOBBYIST'S CLIENT REPORTING

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

30 2. For purposes of this rule, and the report

1 required under section 68B.38, "lobbying purposes"

2 include but are not limited to the following:

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

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

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

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

20 Rule 5

21 GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

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

26 Rule 6

27 PUBLIC ACCESS

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

1 reasonable time.

2

Rule 7

3

CHARGE ACCOUNTS

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

8

Rule 8

9

MEMBERSHIP CONTRIBUTIONS

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

13

Rule 9

14

FEE OR BONUS PROHIBITED

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

19

Rule 10

20

OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

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

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

1 be action intended to negatively affect the economic
2 interests of a member.

3 Rule 11

4 PERSONAL OR FINANCIAL OBLIGATION

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

8 Rule 12

9 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

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

13 Rule 13

14 CAMPAIGN SUPPORT

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

22 Rule 14

23 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

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

27 Rule 15

28 EXCESS PAYMENTS

29 A lobbyist shall not pay or agree to pay to a member
30 a price, fee, compensation, or other consideration for

1 the sale or lease of any property or the furnishing of
2 services which is substantially in excess of that which
3 other persons in the same business or profession would
4 charge in the ordinary course of business.

5

Rule 16

6

PROHIBITION AGAINST GIFTS

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

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

1 full-time permanent employee of the house or senate.

2

Rule 17

3

FINANCIAL TRANSACTIONS

4 1. A lobbyist shall not, directly or indirectly,
5 make a loan to a member or to an employee of the house
6 or senate.

7 2. A loan prohibited under this section does not
8 include a loan made in the ordinary course of business
9 of a lobbyist if the primary business of the lobbyist
10 is something other than lobbying, if consideration of
11 equal or greater value is received by the lobbyist,
12 and if fair market value is given or received for the
13 benefit conferred.

14

Rule 18

15

HONORARIA — RESTRICTIONS

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

22

Rule 19

23

COMPLAINTS

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

27

Rule 20

28

PROCEDURES AND FORMS

29 The chief clerk of the house and the secretary of
30 the senate, subject to the approval of the house or

S.C.R. 3

1 senate ethics committee, as applicable, shall prescribe
2 procedures for compliance with these rules, and shall
3 prepare forms for the filing of complaints and make
4 them available to any person.

5 Rule 21

6 EFFECTIVE PERIOD

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

11 Rule 22

12 ADDITIONAL RULES

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