

Senate File 2395 - Introduced

SENATE FILE 2395
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO SF 639)
(SUCCESSOR TO SSB 1261)

A BILL FOR

1 An Act relating to lobbying activities by political
2 subdivisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 11.6, subsection 9, Code 2020, is amended
2 to read as follows:

3 9. Accounts of the Iowa state association of counties,
4 the Iowa league of cities, and the Iowa association of school
5 boards shall be audited annually by either the auditor of state
6 or a certified public accountant certified in the state of
7 Iowa. The audit shall state all moneys expended for expenses
8 incurred by and salaries paid to legislative representatives
9 and lobbyists of the association audited, as well as the total
10 number of hours such persons spent lobbying.

11 Sec. 2. NEW SECTION. **68B.9 Lobbying activities by political**
12 **subdivisions.**

13 1. For purposes of this section, unless the context
14 otherwise requires:

15 a. "*Lobbying*" means direct action to encourage the passage,
16 defeat, approval, veto, or modification of legislation, a rule,
17 or an executive order that is being considered by the general
18 assembly, a state agency, or a statewide elected official.

19 b. "*Political subdivision*" means a county, city, township,
20 community college, area education agency, or school district.

21 2. A political subdivision that contracts with or otherwise
22 compensates a person to lobby on behalf of the political
23 subdivision shall do so in a reasonable manner, including
24 by using written requests for proposals to solicit lobbying
25 services. The duration of a contract for lobbying services
26 shall not exceed five years. A political subdivision shall
27 not renew a contract for lobbying services or enter into a new
28 contract for lobbying services unless the political subdivision
29 uses a written request for proposal to solicit lobbying
30 services.

31 3. If a political subdivision contracts with or otherwise
32 compensates a person to lobby on behalf of the political
33 subdivision, or if an employee, officer, or elected or
34 appointed official of the political subdivision engages in
35 more than ten hours of lobbying on behalf of the political

1 subdivision in a calendar month, the political subdivision
2 shall preserve all documentation relating to all of the
3 following:

4 *a.* Full copies of all contracts in effect that provide, in
5 whole or in part, for the provision of lobbying services.

6 *b.* Not later than two weeks after the end of the fiscal year
7 for the political subdivision, a schedule showing all payments
8 the political subdivision made during the preceding fiscal year
9 to any person acting as a lobbyist on behalf of the political
10 subdivision or, in the case of an employee, officer, or elected
11 or appointed official, the total annual compensation the
12 political subdivision paid to such person and the total number
13 of hours spent by that person in lobbying activities on behalf
14 of the political subdivision in the preceding fiscal year.

15 4. Notwithstanding section 22.7, a record, document, or
16 other information stored or preserved in any medium that is
17 required to be preserved by this section or relates to lobbying
18 by a person for or on behalf of a political subdivision is a
19 public record subject to the provisions of chapter 22, shall be
20 preserved and maintained for a period of not less than seven
21 years, and shall be available for examination and copying by
22 the public upon reasonable terms as required by chapter 22.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the lobbying activities of political
27 subdivisions.

28 The bill defines "political subdivision" as a county,
29 city, township, community college, area education agency, or
30 school district, and "lobbying" as direct action to encourage
31 the passage, defeat, approval, veto, or modification of
32 legislation, a rule, or an executive order that is being
33 considered by the general assembly, a state agency, or a
34 statewide elected official.

35 The bill provides that a political subdivision that

1 contracts with or otherwise compensates a person to lobby on
2 behalf of the political subdivision shall do so in a reasonable
3 manner, including by using written requests for proposals to
4 solicit lobbying services. The duration of a contract for
5 lobbying services shall not exceed five years, and a renewal or
6 new contract for lobbying services also requires the use of a
7 written request for proposal.

8 The bill provides that if a political subdivision contracts
9 with or otherwise compensates a person to lobby on behalf of
10 the political subdivision in exchange for compensation, or if
11 any employee, officer, or elected or appointed official of
12 the political subdivision engages in more than 10 hours of
13 lobbying on behalf of the political subdivision in a calendar
14 month, the political subdivision is subject to certain document
15 preservation requirements.

16 Current law provides that the Iowa state association of
17 counties, the Iowa league of cities, and the Iowa association
18 of school boards be audited annually by the auditor of state or
19 by a certified public accountant, and that the audit state all
20 moneys expended for expenses incurred by and salaries paid to
21 legislative representatives and lobbyists of such associations.
22 The bill requires that the audit also include the total number
23 of hours the association's representatives and lobbyists spent
24 lobbying.

25 The bill provides that documents and records relating to
26 lobbying on or behalf of a political subdivision are public
27 records subject to Code chapter 22 (examination of public
28 records), and are not subject to any exception to the public
29 records law contained in Code section 22.7.