

**Senate File 573 - Introduced**

SENATE FILE 573  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1229)

**A BILL FOR**

1 An Act prohibiting the appropriation and expenditure of funds  
2 for lobbying activities by governmental entities, and  
3 providing a penalty.

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

1 Section 1. Section 8.22, subsection 3, unnumbered paragraph  
2 1, Code 2019, is amended to read as follows:

3 Part III shall include a draft or drafts of appropriation  
4 bills having for their purpose to give legal sanction to the  
5 appropriations recommended to be made in parts I and II, except  
6 that draft or drafts shall not contain any recommendation of  
7 an expenditure that violates section 68B.8. The appropriation  
8 bills shall indicate the funds, general or special, from which  
9 the appropriations shall be paid, but the appropriations  
10 need not be in greater detail than to indicate the total  
11 appropriation to be made for:

12 Sec. 2. Section 8.38, Code 2019, is amended to read as  
13 follows:

14 **8.38 Misuse of appropriations.**

15 No state department, institution, or agency, or any  
16 board member, commissioner, director, manager, or other  
17 person connected with any such department, institution, or  
18 agency, shall expend funds or approve claims in excess of the  
19 appropriations made thereto, nor expend funds for any purpose  
20 other than that for which the money was appropriated, nor  
21 expend funds in violation of section 68B.8, except as otherwise  
22 provided by law. A violation of the foregoing provision shall  
23 make any person violating same, or consenting to the violation  
24 of same liable to the state for such sum so expended together  
25 with interest and costs, which shall be recoverable in an  
26 action to be instituted by the attorney general for the use of  
27 the state, which action may be brought in any county of the  
28 state.

29 Sec. 3. Section 68B.8, Code 2019, is amended to read as  
30 follows:

31 **68B.8 Lobbying activities by ~~state agencies~~ governmental**  
32 **entities.**

33 1. a. ~~A state agency of the executive branch of state~~  
34 ~~government~~ governmental entity shall not employ or contract  
35 with a person through the use of its public funds whose

1 position with the agency governmental entity is primarily  
2 representing the agency governmental entity relative to the  
3 passage, defeat, approval, or modification of legislation that  
4 is being considered by the general assembly.

5 b. Notwithstanding paragraph "a", a governmental entity  
6 may employ a person that provides information to the general  
7 assembly and in response to public requests as determined by  
8 the governmental entity.

9 2. ~~A state agency of the executive branch of state~~  
10 government governmental entity shall not use or permit the use  
11 of its public funds for a paid advertisement or public service  
12 announcement thirty days prior to or during a legislative  
13 session for the purpose of encouraging the passage, defeat,  
14 approval, or modification of a bill that is being considered,  
15 or was considered during the previous legislative session, by  
16 the general assembly.

17 3. For purposes of this section, "governmental entity" means  
18 an agency, the judicial branch, a county, a city, or any other  
19 unit of local government.

20 EXPLANATION

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

23 This bill prohibits the appropriation of and expenditure of  
24 funds by governmental entities for lobbying activities.

25 Current law prohibits a state agency of the executive branch  
26 from employing persons through the use of public funds whose  
27 position with the agency is primarily representing the agency  
28 relative to the passage or defeat of legislation that is being  
29 considered by the general assembly. Current law also prohibits  
30 a state agency of the executive branch from using public funds  
31 30 days prior to or during a legislative session to advertise  
32 for or against legislation.

33 The bill extends these prohibitions to agencies, the  
34 judicial branch, counties, cities, and any other unit of local  
35 government. An agency is a department, division, board,

1 commission, bureau, authority, or office of the executive or  
2 legislative branch of state government, the office of attorney  
3 general, the state board of regents, community colleges, and  
4 the office of the governor, including a regulatory agency,  
5 or any department, division, board, commission, bureau, or  
6 office of a political subdivision of the state, but does  
7 not include any agricultural commodity promotional board,  
8 which is subject to a producer referendum. The bill also  
9 prohibits a governmental entity from contracting with persons  
10 through the use of public funds whose primary responsibility  
11 would be to lobby for or against legislation. However, a  
12 governmental entity may employ a person to provide information  
13 to the general assembly and in response to public requests as  
14 determined by the governmental entity.

15 A person who knowingly and intentionally violates the  
16 prohibition on governmental entities employing or contracting  
17 with a person whose position is primarily to lobby for or  
18 against legislation, or the prohibition on governmental  
19 entities using public funds for paid advertisements that  
20 lobby for or against legislation, is guilty of a serious  
21 misdemeanor and may be reprimanded, suspended, or dismissed  
22 from the person's position or otherwise sanctioned. A serious  
23 misdemeanor is punishable by confinement for no more than one  
24 year and a fine of at least \$315 but not more than \$1,875.

25 The bill also prohibits governor's appropriation bills from  
26 containing any recommendation of an expenditure that would  
27 appropriate moneys to a governmental entity for the purpose of  
28 employing or contracting with a person whose position would  
29 be to primarily lobby for or against legislation or for the  
30 purpose of advertising for or against legislation.

31 The bill provides that a state department, institution,  
32 or agency, or any board member, commissioner, director,  
33 manager, or other person connected with any such department,  
34 institution, or agency, shall not expend funds to employ or  
35 contract with a person whose position is primarily to lobby

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1 for or against legislation or to advertise for or against  
2 legislation, and that a person who does so is liable to the  
3 state for the sum of the moneys expended plus interest and  
4 costs.