

Senate Study Bill 1261 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON SINCLAIR)

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. NEW SECTION. 68B.9 Lobbying activities by
2 political subdivisions.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "Lobbying" means direct action to encourage the passage,
6 defeat, approval, veto, or modification of legislation, a rule,
7 or an executive order that is being considered by the general
8 assembly, a state agency, or a statewide elected official.

9 b. "Political subdivision" means a governmental entity
10 organized under the laws of this state and includes a county,
11 city, township, community college, area education agency, and
12 school district.

13 2. A political subdivision that contracts with or otherwise
14 compensates a person to lobby on behalf of the political
15 subdivision shall do so in a reasonable manner, including all
16 of the following:

17 a. Using written requests for proposal to solicit lobbying
18 services.

19 b. Selecting lobbyists on the basis of competence and
20 qualifications for the services required.

21 c. Paying fair and reasonable compensation.

22 3. a. If a political subdivision contracts with or
23 otherwise compensates a person to lobby on behalf of the
24 political subdivision, or if an employee, officer, or elected
25 or appointed official of the political subdivision engages in
26 more than ten hours of lobbying on behalf of the political
27 subdivision in a calendar month, the political subdivision
28 shall, subject to paragraph "b", publish all of the following on
29 its internet site:

30 (1) Full copies of all contracts in effect that provide, in
31 whole or in part, for the provision of lobbying services.

32 (2) Not later than two weeks after the end of each fiscal
33 year, a schedule showing all payments the political subdivision
34 made during the preceding fiscal year to any person acting as
35 a lobbyist on behalf of the political subdivision or, in the

1 case of an employee, officer, or elected or appointed official,
2 the total annual compensation the political subdivision paid to
3 such person and the total number of hours spent by that person
4 in lobbying activities on behalf of the political subdivision
5 in the preceding fiscal year.

6 (3) Not later than two weeks after the end of each fiscal
7 year, all of the following information about each bill on
8 which a person serving as a lobbyist or engaged in lobbying
9 registered a position on behalf of the political subdivision:

10 (a) The registered declaration on the bill on behalf of the
11 political subdivision.

12 (b) A materially complete synopsis of the bill and of all
13 amendments of the bill on which a vote was taken.

14 (c) Each vote on the bill and all amendments to the bill by
15 a committee of the senate or house of representatives and by
16 the senate or house of representatives.

17 (d) The status of the bill, including whether the bill was
18 amended or passed by a committee of the senate or house of
19 representatives or by the senate or house of representatives,
20 or signed or vetoed by the governor, with the date of each such
21 action included.

22 *b.* If the political subdivision does not maintain
23 an internet site but is otherwise subject to reporting
24 requirements under paragraph "a", the political subdivision
25 shall annually publish all the information required by
26 paragraph "a", subparagraphs (1) through (3), within three
27 weeks of the end of the fiscal year in the same manner that the
28 political subdivision provides notice pursuant to section 21.4.

29 4. An organization subject to audit pursuant to section
30 11.6, subsection 9, and any other organization that lobbies
31 on behalf of any category or group of political subdivisions,
32 shall, not later than two weeks after the end of the
33 fiscal year, publish on the organization's internet site
34 the information required by subsection 3, paragraph "a",
35 subparagraph (3).

1 5. A person shall not act as a lobbyist or engage in
2 lobbying concerning any matter on behalf of a political
3 subdivision unless the political subdivision takes official
4 action at a meeting in open session after providing notice of
5 the meeting pursuant to section 21.4 and determines by majority
6 vote the position to be taken on the matter. This subsection
7 shall not apply to lobbying by an organization subject to
8 subsection 4.

9 6. Notwithstanding section 22.7, a record, document, or
10 other information stored or preserved in any medium that
11 relates to lobbying by a person for or on behalf of a political
12 subdivision is a public record subject to the provisions of
13 chapter 22, shall be preserved and maintained for a period
14 of not less than seven years, and shall be available for
15 examination and copying by the public upon reasonable terms as
16 required by chapter 22.

17 EXPLANATION

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

20 This bill relates to the lobbying activities of political
21 subdivisions.

22 The bill defines "political subdivision" as a governmental
23 entity organized under the laws of this state and includes
24 a county, city, township, community college, area education
25 agency, and school district, and "lobbying" as direct action to
26 encourage the passage, defeat, approval, veto, or modification
27 of legislation, a rule, or an executive order that is being
28 considered by the general assembly, a state agency, or a
29 statewide elected official.

30 The bill provides that a political subdivision that
31 contracts with or otherwise compensates a person to lobby
32 on behalf of the political subdivision shall do so in a
33 reasonable manner, including by using a written request for
34 proposal, selecting a lobbyist on the basis of competence and
35 qualification for the services required, and paying fair and

1 reasonable compensation.

2 The bill provides that if a political subdivision contracts
3 with or otherwise compensates a person to lobby on behalf of
4 the political subdivision in exchange for compensation, or if
5 any employee, officer, or elected or appointed official of the
6 political subdivision engages in more than 10 hours of lobbying
7 on behalf of the political subdivision in a calendar month,
8 the political subdivision is subject to certain reporting
9 requirements. If the political subdivision is subject to
10 the reporting requirements but does not maintain an internet
11 site, the political subdivision shall annually publish all the
12 required information in the same manner that the political
13 subdivision provides notice pursuant to Code section 21.4
14 (notice of public meetings).

15 The bill provides that the Iowa state association of
16 counties, the Iowa league of cities, and the Iowa association
17 of school boards, and any other organization that lobbies on
18 behalf of any category or group of political subdivisions,
19 shall, not later than two weeks after the end of the fiscal
20 year, publish on the organization's internet site certain
21 specified information regarding each bill and amendment on
22 which the organization registered a position.

23 The bill provides that a person, except for the Iowa state
24 association of counties, the Iowa league of cities, and the
25 Iowa association of school boards, and any other organization
26 that lobbies on behalf of any category or group of political
27 subdivisions, shall not act as a lobbyist or engage in lobbying
28 concerning any matter on behalf of a political subdivision
29 unless the political subdivision takes official action at a
30 meeting in open session after providing notice of the meeting
31 and determines by majority vote the position to be taken on the
32 matter.

33 The bill provides that documents and records relating to
34 lobbying on or behalf of a political subdivision are public
35 records subject to Code chapter 22 (examination of public

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1 records), and are not subject to any exception to the public
2 records law contained in Code section 22.7.