

House File 822 - Introduced

HOUSE FILE 822
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 346)

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 2021, 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 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. A record, document, or other information stored or
16 preserved in any medium that is required to be preserved by
17 this section or relates to lobbying by a person for or on
18 behalf of a political subdivision is a public record subject
19 to the provisions of chapter 22, shall be preserved and
20 maintained for a period of not less than seven years, and shall
21 be available for examination and copying by the public upon
22 reasonable terms as required by chapter 22, except that section
23 22.7 shall not apply, except for section 22.7, subsection 4,
24 and a record, document, or other information that is attorney
25 work product and relates to a political subdivision's strategy
26 or position on legislation, a rule, or an executive order that
27 is being considered by the general assembly, a state agency, or
28 a statewide elected official shall be kept confidential unless
29 otherwise ordered by a court.

30

EXPLANATION

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

33 This bill relates to the lobbying activities of political
34 subdivisions.

35 The bill defines "political subdivision" as a county,

1 city, township, or school district, and "lobbying" as direct
2 action to encourage the passage, defeat, approval, veto, or
3 modification of legislation, a rule, or an executive order that
4 is being considered by the general assembly, a state agency, or
5 a statewide elected official.

6 The bill provides that a political subdivision that
7 contracts with or otherwise compensates a person to lobby on
8 behalf of the political subdivision shall do so in a reasonable
9 manner, including by using written requests for proposals to
10 solicit lobbying services. The duration of a contract for
11 lobbying services shall not exceed five years, and a renewal or
12 new contract for lobbying services also requires the use of a
13 written request for proposal.

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

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

31 The bill provides that documents and records relating to
32 lobbying on or behalf of a political subdivision are public
33 records subject to Code chapter 22 (examination of public
34 records), and are not subject to any exception to the public
35 records law contained in Code section 22.7 except for attorney

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1 work product related to litigation. The bill further provides
2 that documents and records that are attorney work product and
3 relate to a political subdivision's strategy or position on
4 legislation, an administrative rule, or an executive order are
5 confidential unless otherwise ordered by a court.