

House Study Bill 164 - Introduced

HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY  
CHAIRPERSON OSMUNDSON)

1 A Concurrent Resolution relating to the joint rules  
2 governing lobbyists of the Senate and House of  
3 Representatives for the Eighty-ninth General  
4 Assembly.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
6 THE SENATE CONCURRING, That the joint rules governing  
7 lobbyists of the Senate and House of Representatives  
8 for the ~~Eighty-eighth~~ Eighty-ninth General Assembly  
9 shall be as follows:

10 JOINT RULES GOVERNING LOBBYISTS

11 Rule 1

12 DEFINITIONS

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

1 organization, or professional or other organization  
2 which makes contributions in the aggregate of more  
3 than one thousand dollars in any one calendar year  
4 to expressly advocate the nomination, election, or  
5 defeat of a candidate for public office or to expressly  
6 advocate the passage or defeat of a ballot issue or  
7 influencing legislative action.

8

Rule 2

9

REGISTRATION REQUIRED

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

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

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

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

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

23 5. If a registered lobbyist represents more than  
24 one employer, client, or cause and the lobbyist's  
25 services are concluded on behalf of a particular  
26 employer, client, or cause after the lobbyist registers  
27 but before the first day of the next legislative  
28 session, the lobbyist shall file an amendment to the  
29 lobbyist's registration indicating which employer,  
30 client, or cause is no longer represented by the

1 lobbyist and the date upon which the representation  
2 concluded.

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

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

15 Rule 3

16 ELECTRONIC FILING

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

23 Rule 4

24 LOBBYIST'S CLIENT REPORTING

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

28 2. For purposes of this rule, and the report  
29 required under section 68B.38, "lobbying purposes"  
30 include but are not limited to the following:

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

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

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

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

18 Rule 5

19 GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

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

24 Rule 6

25 PUBLIC ACCESS

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

30 Rule 7

1 CHARGE ACCOUNTS

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

6 Rule 8

7 MEMBERSHIP CONTRIBUTIONS

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

11 Rule 9

12 FEE OR BONUS PROHIBITED

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

17 Rule 10

18 OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

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

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

1 Rule 11

2 PERSONAL OR FINANCIAL OBLIGATION

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

6 Rule 12

7 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

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

11 Rule 13

12 CAMPAIGN SUPPORT

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

20 Rule 14

21 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

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

25 Rule 15

26 EXCESS PAYMENTS

27 A lobbyist shall not pay or agree to pay to a member  
28 a price, fee, compensation, or other consideration for  
29 the sale or lease of any property or the furnishing of  
30 services which is substantially in excess of that which

1 other persons in the same business or profession would  
2 charge in the ordinary course of business.

3

Rule 16

4

PROHIBITION AGAINST GIFTS

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

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

30

Rule 17



1 FINANCIAL TRANSACTIONS

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

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

12 Rule 18

13 HONORARIA — RESTRICTIONS

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

20 Rule 19

21 COMPLAINTS

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

25 Rule 20

26 PROCEDURES AND FORMS

27 The chief clerk of the house and the secretary of  
28 the senate, subject to the approval of the house or  
29 senate ethics committee, as applicable, shall prescribe  
30 procedures for compliance with these rules, and shall

1 prepare forms for the filing of complaints and make  
2 them available to any person.

3 Rule 21

4 EFFECTIVE PERIOD

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

9 Rule 22

10 ADDITIONAL RULES

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