

Senate Study Bill 1093 - Introduced

SENATE CONCURRENT RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON KOELKER)

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 SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That the joint rules
7 governing lobbyists of the Senate and House of
8 Representatives for the ~~Eighty-eighth~~ Eighty-ninth
9 General Assembly 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.