

House Study Bill 78 - 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 Ninetieth General Assembly.

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

9 JOINT RULES GOVERNING LOBBYISTS

10 Rule 1

11 DEFINITIONS

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

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

7

Rule 2

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REGISTRATION REQUIRED

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

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

1 declaration for a bill, resolution, or study bill shall
2 be filed within one working day of when the change
3 becomes effective.

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

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

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

1 concluded.

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

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

14 Rule 3

15 ELECTRONIC FILING

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

22 Rule 4

23 LOBBYIST'S CLIENT REPORTING

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

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

30 a. Time spent by the lobbyist at the state capitol

1 building commencing with the first day of a legislative
2 session and ending with the day of final adjournment of
3 each legislative session as indicated by the journals
4 of the house and senate.

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

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

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

17 Rule 5

18 GOVERNMENT OFFICIALS — OPPOSITION LOBBYING

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

23 Rule 6

24 PUBLIC ACCESS

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

29 Rule 7

30 CHARGE ACCOUNTS

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

5

Rule 8

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MEMBERSHIP CONTRIBUTIONS

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

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Rule 9

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FEE OR BONUS PROHIBITED

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

16

Rule 10

17

OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY

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

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

30

Rule 11

1 PERSONAL OR FINANCIAL OBLIGATION

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

5 Rule 12

6 ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT

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

10 Rule 13

11 CAMPAIGN SUPPORT

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

19 Rule 14

20 COMMUNICATION WITH MEMBER'S EMPLOYER PROHIBITED

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

24 Rule 15

25 EXCESS PAYMENTS

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

1 charge in the ordinary course of business.

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Rule 16

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PROHIBITION AGAINST GIFTS

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

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

29

Rule 17

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FINANCIAL TRANSACTIONS

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

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

11 Rule 18

12 HONORARIA — RESTRICTIONS

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

19 Rule 19

20 COMPLAINTS

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

24 Rule 20

25 PROCEDURES AND FORMS

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

1 them available to any person.

2 Rule 21

3 EFFECTIVE PERIOD

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

8 Rule 22

9 ADDITIONAL RULES

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