

CHAPTER 1092**ETHICS IN GOVERNMENT — MISCELLANEOUS PROVISIONS***S.F. 2242*

AN ACT relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.7, subsection 30, Code Supplement 1993, is amended to read as follows:

30. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.34. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 ~~or 68B.32~~ is not a confidential record unless otherwise provided by law.

Sec. 2. Section 68B.2, subsection 1, Code Supplement 1993, is amended to read as follows:

1. "Agency" means a department, division, board, commission, bureau, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, or any department, division, board, commission, bureau, or office of a political subdivision of the state, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.

Sec. 3. Section 68B.2, subsection 14, Code Supplement 1993, is amended to read as follows:

14. "Local employee" means a person employed by a political subdivision of this state and does not include an independent contractor.

Sec. 4. Section 68B.2, subsection 25, Code Supplement 1993, is amended to read as follows:

25. "State employee" means a person who is not an official and is a paid employee of the state of Iowa and does not include an independent contractor, an employee of the judicial department who is not an employee of the office of attorney general, a legislative an employee of the general assembly, an employee of a political subdivision of the state, or an employee of any agricultural commodity promotional board, if the board is subject to a producer referendum.

Sec. 5. Section 68B.22, subsection 4, paragraph j, Code Supplement 1993, is amended to read as follows:

j. Items or services solicited by or given to, ~~for purposes of a business or educational conference, seminar, or other meeting~~, a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member; for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given ~~for the same purposes~~ to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.

Sec. 6. Section 68B.22, subsection 4, Code Supplement 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. q. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

Sec. 7. Section 68B.22, subsection 8, Code Supplement 1993, is amended to read as follows:

8. ~~An~~ Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

Sec. 8. Section 68B.32B, subsection 1, Code Supplement 1993, is amended to read as follows:

1. Any person may file a complaint alleging that a candidate, committee, person holding a state office in the executive branch of state government, employee of the executive branch of state government, or other person has committed a violation of ~~this chapter or chapter 56~~ or rules adopted by the board. Any person may file a complaint alleging that a person holding a state office in the executive branch of state government, an employee of the executive branch of state government, or a lobbyist or a client of a lobbyist of the executive branch of state government has committed a violation of this chapter or rules adopted by the board. The board shall prescribe and provide forms for this purpose. A complaint must include the name and address of the complainant, a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged, and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

Sec. 9. Section 68B.35, subsection 5, Code Supplement 1993, is amended to read as follows:

5. A candidate for statewide office shall file a financial statement with the ethics and campaign disclosure board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning the year preceding the year in which the election is to be held and concerning so much of the year in which the election is to be held as has elapsed by the date specified in section 43.11 for the filing of nomination papers for state office. The statement shall be filed no later than thirty days after the date on which a person is required to file nomination papers for state office under section 43.11, or, if the person is a candidate in a special election, as soon as practicable after the certification of the name of the nominee under section 43.88, but the statement shall be postmarked no later than seven days after certification. The ethics and campaign disclosure board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house of representatives and the senate shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

Sec. 10. Section 68B.36, subsection 2, 4, and 5, Code Supplement 1993, are amended to read as follows:

2. Registration shall be valid from the date of registration until the expiration of the registration period for the type of lobbying in which the person will be engaging. Any change in or addition to the information shall be registered within ten days after the change or addition

is known to the lobbyist. Changes or additions for executive branch lobbyists may be filed either with the executive council or with the agency or office where the original registration was filed board. Changes or additions for registrations of lobbyists of the general assembly shall be filed with either the chief clerk of the house or the secretary of the senate.

4. If a lobbyist's service on behalf of a particular employer, client, or cause ~~all clients, employers, or causes~~ is concluded prior to the end of the calendar year, the lobbyist may cancel the registration on appropriate forms supplied by the executive council board, the chief clerk of the house, or the secretary of the senate. The cancellation forms shall be filed by the lobbyist in the place where the lobbyist filed the original registration. ~~Persons within the executive branch receiving forms canceling a lobbyist's registration shall forward the forms to the executive council.~~ Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of that particular any employer, client, or cause until reregistering and complying with the rules of the executive council board or the general assembly.

5. All federal, state, and local officials or employees representing the official positions of their departments, commissions, boards, or agencies shall, when lobbying the general assembly, present to the chief clerk of the house or the secretary of the senate a letter of authorization from their department or agency heads prior to the commencement of their lobbying. When lobbying a state agency or the office of the governor, the letter shall be presented to the agency ~~or office~~ board. The lobbyist registration statement of these officials and employees shall not be deemed complete until the letter of authorization is attached. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

Sec. 11. Section 68B.37, subsection 1, paragraph b, Code Supplement 1993, is amended to read as follows:

b. ~~Campaign contributions~~ Contributions made to candidates for state office by the lobbyist during calendar months during the reporting period when the general assembly is not in session.

Sec. 12. Section 68B.37, subsection 3, Code Supplement 1993, is amended to read as follows:

3. The reports by lobbyists before the general assembly shall be filed not later than twenty-five days following any month in which the general assembly is in session and thereafter on or before July 31, and October 31, and January 31. ~~The monthly report reports~~ filed by a lobbyist before the general assembly in January shall contain information for the preceding calendar month or quarter or parts thereof during which the person was engaged in lobbying. Reports filed by lobbyists before a state agency shall be filed on or before April 30, July 31, October 31, and January 31, for the preceding calendar quarter or parts thereof during which the person was engaged in lobbying.

PARAGRAPH DIVIDED. If a person cancels the person's lobbyist registration at any time during the calendar year, the reports required by this section are due on the dates required by this section or fifteen days after cancellation, whichever is earlier. The report due January 31 shall include all reportable items for the preceding calendar year in addition to containing the quarterly reportable items. A lobbyist who cancels the person's lobbyist registration before January 1 of a year shall file a report listing all reportable items for the year in which the cancellation was filed. A lobbyist who cancels the person's lobbyist registration between January 1 and January 15 of a year shall file a report listing all reportable items for the preceding year and so much of the month of January as has expired at the time of cancellation. However, if a lobbyist is a person who is designated to represent the interest of an organization as defined in section 68B.2, subsection 13, paragraph "a", subparagraph (2), but is not paid compensation for that representation and does not expend more than one thousand dollars as provided in section 68B.2, subsection 13, paragraph "a", subparagraph (4), the lobbyist shall only be required to file the report specified in this section once annually, which shall be performed at the time of filing the person's lobbyist registration form or forms.

Approved April 19, 1994