

# Advisory Opinion

IECDB AO 2000-29

September 21, 2000

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11), the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on the issue of lobbyist clients properly reporting fees paid to lobbyists by clients. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 56 and 68B and rules in Iowa Administrative Code chapter 351. Whether some other statutory system, common law theory or agency rule applies to this issue is not covered by this opinion.

OPINION:

Iowa Code section 68B.38, as amended by the 78th GA in HF 2431, in pertinent states:

"1. On or before January 31 and July 31 of each year, a lobbyist's client shall file with the general assembly or board a report that contains information on all salaries, fees, and retainers paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding six calendar months. Reports by lobbyists' clients shall be filed with the same entity with which the lobbyist filed the lobbyist's registration."

We first note that our jurisdiction in interpreting the lobbying statutes is limited to activities before the executive branch. On the reports contemplated by the statute, the client is required to disclose all payments for expenses paid to the "lobbyist". Therefore, when the client files an executive branch report disclosing these payments, the client must report the actual amount paid and name of the individual lobbyist or lobbyists registered on behalf of the client. The Board will not consider it a sufficient report for the client to merely provide the name of the lobbying firm or entity employing the lobbyist.

BY DIRECTION AND VOTE OF THE BOARD

Bernard McKinley, Board Chair

1st Vice-Chair Geraldine Leinen

2nd Vice-Chair James Albert

Gwen Boeke

Mark McCormick

Phyllis Peters

-Submitted by: W. Charles Smithson, Board Legal Counsel