

# Advisory Opinion

IECDB AO 2003-08

June 18, 2003

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351-1.2, the Iowa Ethics and Campaign Disclosure Board takes the opportunity to issue its opinion on the filing of executive branch lobbyist client reports and the application of 2003 Iowa Acts, House File 583. 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.

OPINION:

We first note that our jurisdiction in interpreting the lobbying laws is limited to activities before executive branch agencies.

Iowa Code section 68B.38, as amended by 2003 Iowa Acts, House File 583, requires the filing of an executive branch lobbyist client report. The issue has been raised concerning what time period the report is intended to cover. The amended statute, in pertinent part, provides the following:

"1. a. On or before July 1 of each year, a lobbyist's client shall file with the 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 twelve calendar months..

2. a. The report shall include a cumulative total of all salaries, fees, retainers, and reimbursements of expenses paid to the lobbyist for lobbying activities during the preceding calendar year."

The Board interprets Iowa Code section 68B.38(1)"a" as requiring the disclosure of compensation paid to the lobbyist from July 1 of the previous year through June 30 of the current year.

The Board understands that Iowa Code section 68B.38(2)"a" could be interpreted to require the reporting of cumulative information for the time period from January 1 through December 31 of the previous year. However, that would require the disclosure of six month's worth of information that was disclosed on the previous annual report.

It is important to remember that the language of subparagraph (2)"a" remains from when the statute required two client reports to be filed, with the January report being a cumulative for the year. If the section is read to require the reporting of information for the preceding year, it leads to redundant reporting and frustrates the purpose of the legislation, which was to simplify the client reporting requirements. Also, such an

interpretation would actually serve to make the information disclosed on reports more confusing to the public.

Therefore, for purposes of enforcing Iowa Code section 68B.38(2)"a" to executive branch lobbyist client reports, the Board interprets the phrase "preceding calendar year" to require reporting of compensation and reimbursement of expenses from July 1 of the prior year through June 30 of the current year.

The Board recognizes that the amended statute requires the reporting of information the day after the cutoff for the covered time period. We also recognize that the inconsistency between subsections (1) and (2) needs to be resolved. As such, the Board will propose legislation during the next legislative session to address these issues.

**BY DIRECTION AND VOTE OF THE BOARD**

James Albert, Board Chair  
1st Vice-Chair Geraldine Leinen  
2nd Vice-Chair Gwen Boeke  
Mark McCormick  
Bernie McKinley  
Phyllis Peters

Submitted by: W. Charles Smithson, Board Legal Counsel