

Contact: Andrea Anania

REVISIONS TO CHAPTER 4 OF THE BOARD OF REGENTS POLICY MANUAL

Recommended Action: Consider, as a first and final reading, approval of the proposed revisions to §4.39 of the Board of Regents Policy Manual (Conflict of Interest of Public Officers and Employees – Gifts) to reflect current Iowa Code §68B (Government Ethics and Lobbying.)

Executive Summary: Board Policy Manual §4.39B includes a paragraph outlining required lobbyist filings, which are contained in Iowa Code §68B. During the 2010 session, requirements for lobbyist filings were changed, which makes §4.39B of the Board Policy Manual outdated.

Since §4.39E references Iowa Code §68B for further information on compliance, removal of the duplicate information in §4.39B and clarification of §4.39E is recommended. See page 2 for an illustration of the proposed revisions.

CURRENT CHAPTER 4.39

B. Lobbyist Registration

As applied to the Board of Regents, a lobbyist is defined as an individual who works to encourage the passage, defeat, or modification of legislation or regulations or to influence the decisions of the members of the general assembly, a state agency, or any statewide elected official and is in one of the following categories:

1. is paid by the Board of Regents or a Regent institution for such work.
2. represents on a regular basis the Board of Regents or its institutions.

The definition of lobbyist does not include:

1. persons whose activities are limited to formal appearances at public committee meetings or hearings of state agencies and whose appearances are officially recorded.
2. lawyers representing clients in cases before state agencies.
3. employees of the Board of Regents trying to influence decisions of the Board of Regents or its institutions.
4. persons whose activities are limited to providing information to or soliciting information from the Executive or Legislative Branch of state government or to state agencies.

Lobbyists are required to register annually with that branch or branches of state government with which they expect to lobby. For the Executive Branch they are required to provide a list of applicable agencies or offices. The Campaign Finance Disclosure Commission requires each individual lobbyist to report campaign contributions or gifts on a monthly basis when the General Assembly is in session and thereafter on or before July 31, October 31, and January 31. The sponsoring organization or agency for each lobbyist is to submit a report of salaries and expenditures for lobbying activities for each lobbyist on January 31 and July 31 of each calendar year.

E. Applicable Law

Notwithstanding the guidance provided by this policy, members of the Board of Regents and employees of the Board are required to comply with Iowa Code Chapter 68B, to which they should refer for further information.

PROPOSED CHAPTER 4.39

B. Lobbyist Registration

As applied to the Board of Regents, a lobbyist is defined as an individual who works to encourage the passage, defeat, or modification of legislation or regulations or to influence the decisions of the members of the general assembly, a state agency, or any statewide elected official and is in one of the following categories:

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E. Applicable Law

Notwithstanding the guidance provided by this policy, members of the Board of Regents, lobbyists, and other employees of the Board are required to comply with Iowa Code Chapter 68B, to which they should refer for further information.

Background/Analysis: Iowa Code §68B explains reporting requirements for lobbyists.

Lobbyist reporting requirements changed in 2010. Changes include:

- ◆ Lobbyists no longer are required to file monthly or quarterly lobbyist reports with the General Assembly or the Iowa Ethics and Campaign Disclosure Board;
- ◆ Executive and legislative branch lobbyist registration forms no longer need to be accompanied by a letter of authorization from the agency head;
- ◆ Client reports are to disclose the total amount of compensation paid to lobby both branches, rather than separate compensation reporting for each branch; and
- ◆ Pre-event function registration reports are now required and the deadline for the post-event function has changed from 5 days to 28 days.

In addition to the above changes, the current Board Policy Manual reports that agencies are to submit a report of lobbyist salaries and expenses by January 31st and July 31st; Iowa Code §68B.38 requires submission of these reports annually by July 31st only.