

Reprinted 4/87

FILED MAR 20 1987

SENATE FILE 480
BY COMMITTEE ON ETHICS
approved (p. 825)

Passed Senate, Date 4-3-87 (p. 1071) Passed House, Date 4-16-87 (p. 1518)

Vote: Ayes 27 Nays 2 Vote: Ayes 75 Nays 18

Approved June 5, 1987

A BILL FOR

1 An Act relating to things of value given to and received by
2 public employees, officials, members of the general assembly,
3 other persons serving in a public capacity, and candidates,
4 mandating reporting of certain things of value, subjecting
5 violators to penalties, and providing an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 480

1 Section 1. Section 68B.2, Code 1987, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 68B.2 DEFINITIONS.

5 When used in this chapter, unless the context otherwise
6 requires:

7 1. "Compensation" means any money, thing of value, or
8 financial benefit conferred in return for services rendered or
9 to be rendered.

10 2. "Legislative employee" means a full-time officer or
11 employee of the general assembly but does not include members
12 of the general assembly.

13 3. "Member of the general assembly" means an individual
14 duly elected to the senate or the house of representatives of
15 the state of Iowa.

16 4. "Regulatory agency" means the department of agriculture
17 and land stewardship, department of employment services,
18 department of commerce, department of public health,
19 department of public safety, department of education, state
20 board of regents, department of human services, department of
21 revenue and finance, department of inspections and appeals,
22 department of personnel, public employment relations board,
23 department of transportation, civil rights commission,
24 department of public defense, and department of natural
25 resources.

26 5. "Employee" means a full-time, salaried employee of the
27 state of Iowa and does not include part-time employees or
28 independent contractors. Employee includes but is not limited
29 to all clerical personnel.

30 6. "Official" means an officer of the state of Iowa
31 receiving a salary or per diem whether elected or appointed or
32 whether serving full-time or part-time. Official includes but
33 is not limited to supervisory personnel and members of state
34 agencies and does not include members of the general assembly
35 or legislative employees.

1 7. "State agency" means a state department or division, or
2 a board, commission, or bureau of the state including a
3 regulatory agency.

4 8. "Candidate" means a candidate as defined in section
5 56.2 for a statewide office or the general assembly.

6 9. "Honoraria" means payments of money or other thing of
7 value for a personal appearance, speech, or written article.

8 10. a. "Gift" means a rendering of money, property,
9 services, discount, loan forgiveness, payment of indebtedness,
10 or anything else of value in return for which legal
11 consideration of equal or greater value is not given and
12 received, if the donor is in any of the following categories:

13 (1) Is doing or seeking to do business of any kind with
14 the donee's agency.

15 (2) Is engaged in activities which are regulated or
16 controlled by the donee's agency.

17 (3) Has financial interests which may be substantially and
18 materially affected, in a manner distinguishable from the
19 public generally, by the performance or nonperformance of the
20 donee's duty.

21 (4) Is a lobbyist with respect to matters within the
22 donee's jurisdiction.

23 b. However, "gift" does not mean any of the following:

24 (1) Campaign contributions.

25 (2) Informational material relevant to a public servant's
26 official functions, such as books, pamphlets, reports,
27 documents, or periodicals, and registration fees or tuition
28 not including travel or lodging, for not more than three days,
29 at seminars or other public meetings conducted in this state,
30 at which the public servant receives information relevant to
31 the public servant's official functions.

32 (3) Anything received from a person related within the
33 fourth degree by kinship or marriage, unless the donor is
34 acting as an agent or intermediary for another person not so
35 related.

1 (4) An inheritance.

2 (5) Anything available to or distributed to the public
3 generally without regard to official status of the recipient.

4 (6) Honoraria.

5 (7) Food, beverages, registration, and scheduled
6 entertainment at group events to which all members of the
7 general assembly are invited.

8 (8) Reasonable expenses for food, beverages, travel,
9 lodging, registration, and scheduled entertainment of the
10 donee for a meeting, which is given in return for
11 participation in a panel or speaking engagement at the
12 meeting.

13 (9) Plaques or items given as recognition for public
14 services.

15 11. "Local official" and "local employee" mean an official
16 or employee of a political subdivision of this state.

17 12. "Public disclosure" means a written report filed by
18 the fifteenth day of the month following the month in which a
19 gift is received as required by this chapter or required by
20 rules adopted or executive order issued pursuant to this
21 chapter.

22 13. "Immediate family members" means the spouse and minor
23 children of a person required to file reports pursuant to this
24 chapter or the rules adopted or executive order issued
25 pursuant to this chapter.

26 14. "Doing business with the state or a political
27 subdivision" means being a party to any one or any combination
28 of sales, purchases, leases, or contracts to, from, or with
29 the state or a political subdivision, or any agency thereof,
30 involving consideration of five thousand dollars or more on a
31 cumulative basis during a calendar year. In the case of the
32 awarding or execution of a contract or lease, the total
33 ascertainable consideration committed to be paid at the time
34 of the making of the contract or lease, regardless of the
35 period of time over which the payments are to be made, shall

1 be included within the calendar year of the award or
2 execution.

3 Where the terms "legislative employee", "member of the
4 general assembly", "candidate", "employee", "local employee",
5 "official" or "local official" are used in this chapter, they
6 include a firm of which any of those persons is a partner and
7 a corporation of which any of those persons holds ten percent
8 or more of the stock either directly or indirectly, and the
9 spouse and minor children of any of those persons.

10 Sec. 2. Section 68B.5, Code 1987, is amended by striking
11 the section and inserting in lieu thereof the following:

12 68B.5 GIFTS SOLICITED OR ACCEPTED.

13 1. An official, employee, local official, local employee,
14 member of the general assembly, candidate, or legislative
15 employee shall not, directly or indirectly, solicit, accept,
16 or receive from any one donor in any one calendar day a gift
17 or a series of gifts having a value of fifty dollars or more.

18 2. A person shall not, directly or indirectly, offer or
19 make a gift or a series of gifts to an official, employee,
20 local official, local employee, member of the general
21 assembly, candidate, or legislative employee, in any one
22 calendar day, if the gift or series of gifts has a value of
23 fifty dollars or more. A person shall not, directly or
24 indirectly, join with one or more other persons to offer or
25 make a gift or a series of gifts to an official, employee,
26 local official, local employee, member of the general
27 assembly, candidate, or legislative employee, in any one
28 calendar day, if the gift or series of gifts has a total value
29 of fifty dollars or more.

30 3. A person may give and an official, employee, local
31 official, local employee, member of the general assembly,
32 candidate, or legislative employee may accept in any one
33 calendar day a gift or a series of gifts which has a value of
34 fifty dollars or more and not be in violation of this section
35 if the gift or series of gifts is donated within thirty days

1 to a public body, a bona fide educational or charitable
2 organization, or the department of general services. All such
3 items donated to the department of general services shall be
4 disposed of by assignment to state agencies for official use
5 or by public sale.

6 Sec. 3. Section 68B.6, Code 1987, is amended by adding the
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. A member of the general assembly
9 may appear before a governmental agency or board in any case,
10 proceeding, application, or other matter before a state
11 agency, court of the state of Iowa, a federal court, or any
12 federal bureau, agency, commission, or department, except that
13 the member shall not appear for compensation if the matter is
14 subject to legislative review. Whenever a member makes such
15 an appearance, the member shall carefully avoid all conduct
16 which might in any way lead members of the general public to
17 conclude that the senator is using the member's official
18 position to further the member's professional success or
19 personal financial interest.

20 Sec. 4. Section 68B.8, Code 1987, is amended to read as
21 follows:

22 68B.8 ADDITIONAL PENALTY.

23 In addition to any penalty contained in any other provision
24 of law, a person who knowingly and intentionally violates the
25 provisions a provision of section 68B.3 to 68B.6 and ~~this~~
26 ~~section shall be~~ is guilty of a serious misdemeanor and may be
27 reprimanded, suspended, or dismissed from the person's
28 position or otherwise sanctioned.

29 Sec. 5. Section 68B.10, subsection 3, Code 1987, is
30 amended to read as follows:

31 3. Issue advisory opinions interpreting the intent of
32 constitutional and statutory provisions relating to
33 legislators and lobbyists as well as interpreting the code of
34 ethics and rules issued pursuant to this section. Opinions
35 shall be issued when approved by a majority of the seven

1 members and may be issued upon the written request of a member
2 of the general assembly or upon the committee's initiation.

3 Opinions are not binding on the legislator or lobbyist.

4 Sec. 6. Section 68B.10, subsection 4, Code 1987, is
5 amended by striking the subsection and inserting in lieu
6 thereof the following:

7 4. Receive and investigate complaints and charges against
8 members of its house alleging a violation of the code of
9 ethics, rules governing lobbyists, this chapter, or other
10 matters referred to it by its house. The committee shall
11 recommend rules for the receipt and processing of complaints
12 made during the legislative session and those made after the
13 general assembly adjourns.

14 Sec. 7. Section 68B.10, Code 1987, is amended by adding
15 the following new unnumbered paragraph after subsection 5:

16 NEW UNNUMBERED PARAGRAPH. The ethics committees may employ
17 independent legal counsel to assist them in carrying out their
18 duties under this chapter with the approval of a committee's
19 house when the general assembly is in session and with the
20 approval of the speaker of the house for the house committee
21 or the senate majority leader for the senate committee when
22 the general assembly is not in session. Payment of costs for
23 the independent legal counsel shall be made from section 2.12.

24 Sec. 8. Section 68B.10, unnumbered paragraph 5, Code 1987,
25 is amended to read as follows:

26 Violation of the code of ethics may result in the
27 ~~suspension-of-a-member-from-the-general-assembly-and-the~~
28 ~~forfeiture-of-the~~ censure, reprimand, or other sanctions as
29 determined by a majority of the member's house. However, a
30 member may be suspended or expelled and the member's salary
31 forfeited only if directed by a two-thirds vote of the
32 ~~member's house to which the member belongs.~~ Such A
33 suspension, expulsion, or forfeiture of salary shall be for
34 such the duration as specified in the directing resolution
35 ~~provided-however, that.~~ However, it cannot shall not extend

1 beyond the ~~date-of-adjourment-of-the-session~~ end of the
2 general assembly during which the violation occurred.
3 Violation of ~~the-rules~~ a rule relating to lobbyists and
4 lobbying activities may result in ~~the-suspension-of-any~~
5 censure, reprimand, or other sanctions as determined by a
6 majority of the members of the house in which the violation
7 occurred. However, a lobbyist may be suspended from lobbying
8 activities for the duration provided in the directing
9 resolution only if directed by a two-thirds vote of the house
10 wherein in which the violation occurred.

11 Sec. 9. Section 68B.11, Code 1987, is amended by striking
12 the section and inserting in lieu thereof the following:

13 68B.11 REPORTING OF GIFTS AND FINANCIAL DISCLOSURE.

14 1. The house of representatives and the senate shall adopt
15 rules requiring the reporting of gifts made to members of the
16 general assembly, legislative employees, and their immediate
17 family members. The rules shall require public disclosure of
18 the nature, amount, date, and donor of a gift or gifts from
19 any one donor made to one of those individuals which exceed
20 fifteen dollars in cumulative value in any one calendar day.
21 The rules shall require such disclosure by both the donor and
22 donee. However, the rules of either or both houses may waive
23 the reporting of food and beverage provided for immediate
24 consumption.

25 2. The governor shall issue an executive order requiring
26 the reporting of gifts made to officials and employees of the
27 executive department of the state and their immediate family
28 members. The executive order shall require public disclosure
29 of the nature, amount, date, and donor of a gift or gifts from
30 any one donor made to one of those individuals which exceeds
31 fifteen dollars in cumulative value in any one calendar day.
32 The executive order shall require such disclosure by both the
33 donor and donee.

34 3. The supreme court of this state shall adopt rules
35 requiring the reporting of gifts made to officials and

1 employees of the judicial department of this state and their
2 immediate family members. The rules shall require public
3 disclosure of the nature, amount, date, and donor of a gift or
4 gifts from any one donor made to one of those individuals
5 which exceeds fifteen dollars in cumulative value in any one
6 calendar day. The rules shall require such disclosure by both
7 the donor and donee.

8 4. The governing body of a political subdivision of this
9 state shall adopt rules requiring the reporting of gifts made
10 to its respective members and their immediate family members
11 and its local officials and local employees and their
12 immediate family members. The rules as adopted shall require
13 public disclosure of the nature, amount, date, and donor of a
14 gift or gifts from any one donor made to one of those
15 individuals which exceeds fifteen dollars in cumulative value
16 in any one calendar day. The rules shall require such
17 disclosure by both the donor and donee. Copies of the rules
18 and reports shall be filed with the county auditor of the
19 county in which the political subdivision is located.

20 The secretary of state shall develop a standard form for
21 public disclosure of gifts in compliance with this subsection
22 which shall be available at every county auditor's office
23 without cost.

24 5. a. The value to a donor of a gift made by more than
25 one individual to one or more donees shall be determined by
26 dividing the total value of the donor's contribution to the
27 gift by the number of individuals receiving the gift.
28 However, in determining the value of a gift, an individual
29 making a gift on behalf of more than one person shall not
30 divide the value of the gift by the number of persons on whose
31 behalf the gift is made.

32 b. The value of a gift to the donee is the value actually
33 received.

34 c. For the purposes of the reporting requirements of this
35 section, a donor of a gift made by more than one individual to

1 one or more donees shall report the gift if the total value of
2 the gift to the donee exceeds fifteen dollars.

3 6. The rules and executive order required under this
4 section shall provide that expenses for food, beverages,
5 registration, and scheduled entertainment at group events to
6 which all members of the general assembly have been invited
7 shall be reported for each such event by reporting the date,
8 location, and total expense incurred by the donor or donors.

9 7. Reporting requirements adopted or issued under this
10 section may include requirements relating to the reporting of
11 income which is not a gift.

12 8. A person who does not make public disclosure of gifts
13 as required by this chapter or the rules adopted or executive
14 order issued pursuant to this chapter is guilty of a serious
15 misdemeanor.

16 Sec. 10. Section 722.1, Code 1987, is amended by striking
17 the section and inserting in lieu thereof the following:

18 722.1 BRIBERY.

19 A person who offers, promises, or gives anything of value
20 or any benefit to a person who is serving or has been elected,
21 selected, appointed, employed, or otherwise engaged to serve
22 in a public capacity, including a public officer or employee,
23 a referee, juror, or jury panel member, or a witness in a
24 judicial or arbitration hearing or any official inquiry, or a
25 member of a board of arbitration, pursuant to an agreement or
26 arrangement or with the understanding that the promise or
27 thing of value or benefit will influence the act, vote,
28 opinion, judgment, decision, or exercise of discretion of the
29 person with respect to the person's services in that capacity
30 commits a class "D" felony. In addition, a person convicted
31 under this section is disqualified from holding public office
32 under the laws of this state.

33 Sec. 11. Section 722.2, Code 1987, is amended by striking
34 the section and inserting in lieu thereof the following:

35 722.2 ACCEPTING BRIBE.

1 A person who is serving or has been elected, selected,
2 appointed, employed, or otherwise engaged to serve in a public
3 capacity, including a public officer or employee, a referee,
4 juror, or jury panel member, or a witness in a judicial or
5 arbitration hearing or any official inquiry, or a member of a
6 board of arbitration who solicits or knowingly accepts or
7 receives a promise or anything of value or a benefit given
8 pursuant to an understanding or arrangement that the promise
9 or thing of value or benefit will influence the act, vote,
10 opinion, judgment, decision, or exercise of discretion of the
11 person with respect to the person's services in that capacity
12 commits a class "C" felony. In addition, a person convicted
13 under this section is disqualified from holding public office
14 under the laws of this state.

15 Sec. 12. This Act, being deemed of immediate importance,
16 is effective upon enactment.

17 EXPLANATION

18 This bill revises the statutes on ethics for public
19 servants and recodifies sections enacted or amended in the
20 1980 Code editor's bill.

21 Section 1 amends the definitions; adjusting the list of
22 regulatory agencies, adding limitations as to who can be the
23 donor of a gift, moving to section 2(3) the exemption for
24 items subsequently donated, and exempting registration at
25 seminars, honoraria and recognition plaques, and expenses for
26 general assembly group events and speaking engagements. A
27 definition of "doing business" is added, and an association of
28 which a covered person is a member is deleted from the
29 description of covered persons.

30 Section 2 recodifies and expands the prohibition on gifts
31 in excess of fifty dollars, substitutes the explanatory
32 language "from any one donor in any one calendar day" for "in
33 any one occurrence", provides for a series of gifts or joint
34 donors, and provides that gifts donated by the recipient to a
35 public body, an educational or charitable organization, or the

1 department of general services are not violations, without
2 regard to whether these items are used as tax deductions.

3 Section 3 provides a restriction on appearances by members
4 of the general assembly before governmental bodies.

5 Section 4 provides a greater range of sanctions against a
6 public servant who violates the chapter.

7 Section 5 modifies the provision on advisory opinions by
8 the committees on ethics.

9 Section 6 expands the ethics committees' investigatory
10 jurisdiction and requires procedural rules.

11 Section 7 authorizes independent legal counsel for the
12 committees on ethics.

13 Section 8 expands the disciplinary alternatives specified
14 for the committees on ethics.

15 Section 9 establishes the gift reporting requirements. As
16 in section 2, explanatory language providing for reporting of
17 one or more gifts from "any one donor" in "any one calendar
18 day" is added, and reporting by both donor and donee is
19 required. The rules of the general assembly are permitted to
20 waive reporting of food and beverage for immediate
21 consumption. The section also codifies how gifts are to be
22 attributed among multiple donors and donees and how certain
23 expenses are to be reported and authorizes required reporting
24 of income which is not a gift.

25 Sections 10 and 11 recodify the bribery laws with only
26 stylistic changes.

27 Section 12 provides that the bill is effective upon
28 enactment.

29

30

31

32

33

34

35

SENATE FILE 480

S-3347

1 Amend Senate File 480 as follows:

2 1. Page 2, line 6, by striking the words "other
3 thing" and inserting the words "anything else".

4 2. Page 5, line 17, by striking the word
5 "senator" and inserting the word "member".

6 3. Page 9, line 3, by striking the words "and
7 executive order".

S-3347

Filed March 31, 1987

BY TOM MANN, JR.

Adopted 4/3 (y. 1091)

SENATE FILE 480

S-3363

1 Amend Senate File 480 as follows:

2 1. Page 2, line 7, by striking the words "
3 speech or written article" and inserting the words "or
4 speech".

5 2. Page 3, line 6, by inserting after the word
6 "of" the words "either house or both houses of".

7 3. Page 3, line 30, by striking the word "five"
8 and inserting the word "twenty-five".

9 4. Page 7, line 33, by inserting after the word
10 "donee." the following: "The executive order may
11 waive the reporting of food and beverage provided for
12 immediate consumption."

13 5. Page 8, line 7, by inserting after the word
14 "donee." the following: "The rules may waive the
15 reporting of food and beverage provided for immediate
16 consumption."

17 6. Page 9, line 6, by inserting after the word
18 "of" the following: "either house or both houses of".

S-3363

Filed April 1, 1987

BY TOM MANN, JR.

A- Adopted as Amended by 3382 4/3 (y. 1090)
B- Adopted (y. 1091)

SENATE FILE 480

S-3382

1 Amend the amendment, S-3363, to Senate File 480 as
2 follows:

3 1. Page 1, by striking lines 7 and 8 and
4 inserting the following:

5 "____. Page 3, line 30, by striking the words
6 "five thousand" and inserting the following: "two
7 thousand five hundred".

S-3382

Filed April 2, 1987

BY TOM MANN, JR.

Adopted 4/3 (y. 1090)

SENATE FILE 480

S-3414

- 1 Amend Senate File 480 as follows:
2 1. Page 2, by striking lines 6 and 7.
3 2. Page 3, by striking line 4.

S-3414

Filed April 3, 1987

BY JULIA GENTLEMAN

LOST (p. 1091)

House Ethics 4/7/87
De Pass 4/10 (p. 1262)

SENATE FILE 480
BY COMMITTEE ON ETHICS

(AS AMENDED AND PASSED BY THE SENATE APRIL 3, 1987)

~~_____~~ -New Language by the Senate
* - Language Stricken by the Senate

Passed Senate, Date 5/6/87 (p. 1729) Passed House, Date 4-16-87 (p. 1518)
Vote: Ayes 46 Nays 0 Vote: Ayes 75 Nays 18
Approved June 5, 1987
Passed House 5/6/87 (p. 2039)
67-30

A BILL FOR

1 An Act relating to things of value given to and received by
2 public employees, officials, members of the general assembly,
3 other persons serving in a public capacity, and candidates,
4 mandating reporting of certain things of value, subjecting
5 violators to penalties, and providing an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

SF
480

1 Section 1. Section 68B.2, Code 1987, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 68B.2 DEFINITIONS.

5 When used in this chapter, unless the context otherwise
6 requires:

7 1. "Compensation" means any money, thing of value, or
8 financial benefit conferred in return for services rendered or
9 to be rendered.

10 2. "Legislative employee" means a full-time officer or
11 employee of the general assembly but does not include members
12 of the general assembly.

13 3. "Member of the general assembly" means an individual
14 duly elected to the senate or the house of representatives of
15 the state of Iowa.

16 4. "Regulatory agency" means the department of agriculture
17 and land stewardship, department of employment services,
18 department of commerce, department of public health,
19 department of public safety, department of education, state
20 board of regents, department of human services, department of
21 revenue and finance, department of inspections and appeals,
22 department of personnel, public employment relations board,
23 department of transportation, civil rights commission,
24 department of public defense, and department of natural
25 resources.

26 5. "Employee" means a full-time, salaried employee of the
27 state of Iowa and does not include part-time employees or
28 independent contractors. Employee includes but is not limited
29 to all clerical personnel.

30 6. "Official" means an officer of the state of Iowa
31 receiving a salary or per diem whether elected or appointed or
32 whether serving full-time or part-time. Official includes but
33 is not limited to supervisory personnel and members of state
34 agencies and does not include members of the general assembly
35 or legislative employees.

1 7. "State agency" means a state department or division, or
2 a board, commission, or bureau of the state including a
3 regulatory agency.

4 8. "Candidate" means a candidate as defined in section
5 56.2 for a statewide office or the general assembly.

6 9. "Honoraria" means payments of money or anything else of
7 value for a personal appearance or speech.

8 10. a. "Gift" means a rendering of money, property,
9 services, discount, loan forgiveness, payment of indebtedness,
10 or anything else of value in return for which legal
11 consideration of equal or greater value is not given and
12 received, if the donor is in any of the following categories:

13 (1) Is doing or seeking to do business of any kind with
14 the donee's agency.

15 (2) Is engaged in activities which are regulated or
16 controlled by the donee's agency.

17 (3) Has financial interests which may be substantially and
18 materially affected, in a manner distinguishable from the
19 public generally, by the performance or nonperformance of the
20 donee's duty.

21 (4) Is a lobbyist with respect to matters within the
22 donee's jurisdiction.

23 b. However, "gift" does not mean any of the following:

24 (1) Campaign contributions.

25 (2) Informational material relevant to a public servant's
26 official functions, such as books, pamphlets, reports,
27 documents, or periodicals, and registration fees or tuition
28 not including travel or lodging, for not more than three days,
29 at seminars or other public meetings conducted in this state,
30 at which the public servant receives information relevant to
31 the public servant's official functions.

32 (3) Anything received from a person related within the
33 fourth degree by kinship or marriage, unless the donor is
34 acting as an agent or intermediary for another person not so
35 related.

1 (4) An inheritance.

2 (5) Anything available to or distributed to the public
3 generally without regard to official status of the recipient.

4 (6) Honoraria.

5 (7) Food, beverages, registration, and scheduled
6 entertainment at group events to which all members of either
7 house or both houses of the general assembly are invited.

8 (8) Reasonable expenses for food, beverages, travel,
9 lodging, registration, and scheduled entertainment of the
10 donee for a meeting, which is given in return for
11 participation in a panel or speaking engagement at the
12 meeting.

13 (9) Plaques or items given as recognition for public
14 services.

15 11. "Local official" and "local employee" mean an official
16 or employee of a political subdivision of this state.

17 12. "Public disclosure" means a written report filed by
18 the fifteenth day of the month following the month in which a
19 gift is received as required by this chapter or required by
20 rules adopted or executive order issued pursuant to this
21 chapter.

22 13. "Immediate family members" means the spouse and minor
23 children of a person required to file reports pursuant to this
24 chapter or the rules adopted or executive order issued
25 pursuant to this chapter.

26 14. "Doing business with the state or a political
27 subdivision" means being a party to any one or any combination
28 of sales, purchases, leases, or contracts to, from, or with
29 the state or a political subdivision, or any agency thereof,
30 involving consideration of two thousand five hundred dollars
31 or more on a cumulative basis during a calendar year. In the
32 case of the awarding or execution of a contract or lease, the
33 total ascertainable consideration committed to be paid at the
34 time of the making of the contract or lease, regardless of the
35 period of time over which the payments are to be made, shall

1 be included within the calendar year of the award or
2 execution.

3 Where the terms "legislative employee", "member of the
4 general assembly", "candidate", "employee", "local employee",
5 "official" or "local official" are used in this chapter, they
6 include a firm of which any of those persons is a partner and
7 a corporation of which any of those persons holds ten percent
8 or more of the stock either directly or indirectly, and the
9 spouse and minor children of any of those persons.

10 Sec. 2. Section 68B.5, Code 1987, is amended by striking
11 the section and inserting in lieu thereof the following:

12 68B.5 GIFTS SOLICITED OR ACCEPTED.

13 1. An official, employee, local official, local employee,
14 member of the general assembly, candidate, or legislative
15 employee shall not, directly or indirectly, solicit, accept,
16 or receive from any one donor in any one calendar day a gift
17 or a series of gifts having a value of fifty dollars or more.

18 2. A person shall not, directly or indirectly, offer or
19 make a gift or a series of gifts to an official, employee,
20 local official, local employee, member of the general
21 assembly, candidate, or legislative employee, in any one
22 calendar day, if the gift or series of gifts has a value of
23 fifty dollars or more. A person shall not, directly or
24 indirectly, join with one or more other persons to offer or
25 make a gift or a series of gifts to an official, employee,
26 local official, local employee, member of the general
27 assembly, candidate, or legislative employee, in any one
28 calendar day, if the gift or series of gifts has a total value
29 of fifty dollars or more.

30 3. A person may give and an official, employee, local
31 official, local employee, member of the general assembly,
32 candidate, or legislative employee may accept in any one
33 calendar day a gift or a series of gifts which has a value of
34 fifty dollars or more and not be in violation of this section
35 if the gift or series of gifts is donated within thirty days

1 to a public body, a bona fide educational or charitable
2 organization, or the department of general services. All such
3 items donated to the department of general services shall be
4 disposed of by assignment to state agencies for official use
5 or by public sale.

6 Sec. 3. Section 68B.6, Code 1987, is amended by adding the
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. A member of the general assembly
9 may appear before a governmental agency or board in any case,
10 proceeding, application, or other matter before a state
11 agency, court of the state of Iowa, a federal court, or any
12 federal bureau, agency, commission, or department, except that
13 the member shall not appear for compensation if the matter is
14 subject to legislative review. Whenever a member makes such
15 an appearance, the member shall carefully avoid all conduct
16 which might in any way lead members of the general public to
17 conclude that the member is using the member's official
18 position to further the member's professional success or
19 personal financial interest.

20 Sec. 4. Section 68B.8, Code 1987, is amended to read as
21 follows:

22 68B.8 ADDITIONAL PENALTY.

23 In addition to any penalty contained in any other provision
24 of law, a person who knowingly and intentionally violates the
25 provisions a provision of section 68B.3 to 68B.6 ~~and this~~
26 ~~section-shall-be~~ is guilty of a serious misdemeanor and may be
27 reprimanded, suspended, or dismissed from the person's
28 position or otherwise sanctioned.

29 Sec. 5. Section 68B.10, subsection 3, Code 1987, is
30 amended to read as follows:

31 3. Issue advisory opinions interpreting the intent of
32 constitutional and statutory provisions relating to
33 legislators and lobbyists as well as interpreting the code of
34 ethics and rules issued pursuant to this section. Opinions
35 shall be issued when approved by a majority of the seven

1 members and may be issued upon the written request of a member
2 of the general assembly or upon the committee's initiation.
3 Opinions are not binding on the legislator or lobbyist.

4 Sec. 6. Section 68B.10, subsection 4, Code 1987, is
5 amended by striking the subsection and inserting in lieu
6 thereof the following:

7 4. Receive and investigate complaints and charges against
8 members of its house alleging a violation of the code of
9 ethics, rules governing lobbyists, this chapter, or other
10 matters referred to it by its house. The committee shall
11 recommend rules for the receipt and processing of complaints
12 made during the legislative session and those made after the
13 general assembly adjourns.

14 Sec. 7. Section 68B.10, Code 1987, is amended by adding
15 the following new unnumbered paragraph after subsection 5:

16 NEW UNNUMBERED PARAGRAPH. The ethics committees may employ
17 independent legal counsel to assist them in carrying out their
18 duties under this chapter with the approval of a committee's
19 house when the general assembly is in session and with the
20 approval of the speaker of the house for the house committee
21 or the senate majority leader for the senate committee when
22 the general assembly is not in session. Payment of costs for
23 the independent legal counsel shall be made from section 2.12.

24 Sec. 8. Section 68B.10, unnumbered paragraph 5, Code 1987,
25 is amended to read as follows:

26 Violation of the code of ethics may result in the
27 ~~suspension-of-a-member-from-the-general-assembly-and-the~~
28 ~~forfeiture-of-the~~ censure, reprimand, or other sanctions as
29 determined by a majority of the member's house. However, a
30 member may be suspended or expelled and the member's salary
31 forfeited only if directed by a two-thirds vote of the
32 ~~member's house to-which-the-member-belongs.~~ Such A
33 suspension, expulsion, or forfeiture of salary shall be for
34 such the duration as specified in the directing resolution
35 ~~provided-however,-that.~~ However, it cannot shall not extend

1 beyond the ~~date-of-adjournment-of-the-session~~ end of the
2 general assembly during which the violation occurred.
3 Violation of ~~the-rules~~ a rule relating to lobbyists and
4 lobbying activities may result in ~~the-suspension-of-any~~
5 censure, reprimand, or other sanctions as determined by a
6 majority of the members of the house in which the violation
7 occurred. However, a lobbyist may be suspended from lobbying
8 activities for the duration provided in the directing
9 resolution only if directed by a two-thirds vote of the house
10 wherein in which the violation occurred.

11 Sec. 9. Section 68B.11, Code 1987, is amended by striking
12 the section and inserting in lieu thereof the following:

13 68B.11 REPORTING OF GIFTS AND FINANCIAL DISCLOSURE.

14 1. The house of representatives and the senate shall adopt
15 rules requiring the reporting of gifts made to members of the
16 general assembly, legislative employees, and their immediate
17 family members. The rules shall require public disclosure of
18 the nature, amount, date, and donor of a gift or gifts from
19 any one donor made to one of those individuals which exceed
20 fifteen dollars in cumulative value in any one calendar day.
21 The rules shall require such disclosure by both the donor and
22 donee. However, the rules of either or both houses may waive
23 the reporting of food and beverage provided for immediate
24 consumption.

25 2. The governor shall issue an executive order requiring
26 the reporting of gifts made to officials and employees of the
27 executive department of the state and their immediate family
28 members. The executive order shall require public disclosure
29 of the nature, amount, date, and donor of a gift or gifts from
30 any one donor made to one of those individuals which exceeds
31 fifteen dollars in cumulative value in any one calendar day.
32 The executive order shall require such disclosure by both the
33 donor and donee. The executive order may waive the reporting
34 of food and beverage provided for immediate consumption.

35 3. The supreme court of this state shall adopt rules

1 requiring the reporting of gifts made to officials and
2 employees of the judicial department of this state and their
3 immediate family members. The rules shall require public
4 disclosure of the nature, amount, date, and donor of a gift or
5 gifts from any one donor made to one of those individuals
6 which exceeds fifteen dollars in cumulative value in any one
7 calendar day. The rules shall require such disclosure by both
8 the donor and donee. The rules may waive the reporting of
9 food and beverage provided for immediate consumption.

10 4. The governing body of a political subdivision of this
11 state shall adopt rules requiring the reporting of gifts made
12 to its respective members and their immediate family members
13 and its local officials and local employees and their
14 immediate family members. The rules as adopted shall require
15 public disclosure of the nature, amount, date, and donor of a
16 gift or gifts from any one donor made to one of those
17 individuals which exceeds fifteen dollars in cumulative value
18 in any one calendar day. The rules shall require such
19 disclosure by both the donor and donee. Copies of the rules
20 and reports shall be filed with the county auditor of the
21 county in which the political subdivision is located.

22 The secretary of state shall develop a standard form for
23 public disclosure of gifts in compliance with this subsection
24 which shall be available at every county auditor's office
25 without cost.

26 5. a. The value to a donor of a gift made by more than
27 one individual to one or more donees shall be determined by
28 dividing the total value of the donor's contribution to the
29 gift by the number of individuals receiving the gift.
30 However, in determining the value of a gift, an individual
31 making a gift on behalf of more than one person shall not
32 divide the value of the gift by the number of persons on whose
33 behalf the gift is made.

34 b. The value of a gift to the donee is the value actually
35 received.

1 c. For the purposes of the reporting requirements of this
2 section, a donor of a gift made by more than one individual to
3 one or more donees shall report the gift if the total value of
4 the gift to the donee exceeds fifteen dollars.

* 5 6. The rules required under this section shall provide
6 that expenses for food, beverages, registration, and scheduled
7 entertainment at group events to which all members of either
8 house or both houses of the general assembly have been invited
9 shall be reported for each such event by reporting the date,
10 location, and total expense incurred by the donor or donors.

11 7. Reporting requirements adopted or issued under this
12 section may include requirements relating to the reporting of
13 income which is not a gift.

14 8. A person who does not make public disclosure of gifts
15 as required by this chapter or the rules adopted or executive
16 order issued pursuant to this chapter is guilty of a serious
17 misdemeanor.

18 Sec. 10. Section 722.1, Code 1987, is amended by striking
19 the section and inserting in lieu thereof the following:

20 722.1 BRIBERY.

21 A person who offers, promises, or gives anything of value
22 or any benefit to a person who is serving or has been elected,
23 selected, appointed, employed, or otherwise engaged to serve
24 in a public capacity, including a public officer or employee,
25 a referee, juror, or jury panel member, or a witness in a
26 judicial or arbitration hearing or any official inquiry, or a
27 member of a board of arbitration, pursuant to an agreement or
28 arrangement or with the understanding that the promise or
29 thing of value or benefit will influence the act, vote,
30 opinion, judgment, decision, or exercise of discretion of the
31 person with respect to the person's services in that capacity
32 commits a class "D" felony. In addition, a person convicted
33 under this section is disqualified from holding public office
34 under the laws of this state.

35 Sec. 11. Section 722.2, Code 1987, is amended by striking

1 the section and inserting in lieu thereof the following:

2 722.2 ACCEPTING BRIBE.

3 A person who is serving or has been elected, selected,
4 appointed, employed, or otherwise engaged to serve in a public
5 capacity, including a public officer or employee, a referee,
6 juror, or jury panel member, or a witness in a judicial or
7 arbitration hearing or any official inquiry, or a member of a
8 board of arbitration who solicits or knowingly accepts or
9 receives a promise or anything of value or a benefit given
10 pursuant to an understanding or arrangement that the promise
11 or thing of value or benefit will influence the act, vote,
12 opinion, judgment, decision, or exercise of discretion of the
13 person with respect to the person's services in that capacity
14 commits a class "C" felony. In addition, a person convicted
15 under this section is disqualified from holding public office
16 under the laws of this state.

17 Sec. 12. This Act, being deemed of immediate importance,
18 is effective upon enactment.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 480

P 1803

1 Amend Senate File 480 as amended, passed and
2 reprinted by the Senate as follows.

3 1. By striking all after the enacting clause and
4 inserting the following:

5 "Section 1. Section 68B.2, Code 1987, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 68B.2 DEFINITIONS.

9 When used in this chapter, unless the context
10 otherwise requires:

11 1. "Compensation" means any money, thing of value,
12 or financial benefit conferred in return for services
13 rendered or to be rendered.

14 2. "Legislative employee" means a full-time
15 officer or employee of the general assembly but does
16 not include members of the general assembly.

17 3. "Member of the general assembly" means an
18 individual duly elected to the senate or the house of
19 representatives of the state of Iowa.

20 4. "Regulatory agency" means the department of
21 agriculture and land stewardship, department of
22 employment services, department of commerce,
23 department of public health, department of public
24 safety, department of education, state board of
25 regents, department of human services, department of
26 revenue and finance, department of inspections and
27 appeals, department of personnel, public employment
28 relations board, department of transportation, civil
29 rights commission, department of public defense, and
30 department of natural resources.

31 5. "Employee" means a full-time, salaried employee
32 of the state of Iowa and does not include part-time
33 employees or independent contractors. Employee
34 includes but is not limited to all clerical personnel.

35 6. "Official" means an officer of the state of
36 Iowa receiving a salary or per diem whether elected or
37 appointed or whether serving full-time or part-time.
38 Official includes but is not limited to supervisory
39 personnel and members of state agencies and does not
40 include members of the general assembly or legislative
41 employees.

42 7. "Agency" means a department, division, board,
43 commission, or bureau of the state, including a
44 regulatory agency or any of its political
45 subdivisions.

46 8. "Candidate" means a candidate as defined in
47 section 56.2 and includes a person elected to public
48 office until the person takes office.

49 9. a. "Gift" means a rendering of money,
50 property, services, discount, loan forgiveness,

H-3803

Page Two

1 payment of indebtedness, or anything else of value in
2 return for which legal consideration of equal or
3 greater value is not given and received, if the donor
4 is in any of the following categories:

5 (1) Is doing or seeking to do business of any kind
6 with the donee's agency.

7 (2) Is engaged in activities which are regulated
8 or controlled by the donee's agency.

9 (3) Has interests which may be substantially and
10 materially affected, in a manner distinguishable from
11 the public generally, by the performance or
12 nonperformance of the donee's official duties.

13 (4) Is a lobbyist with respect to matters within
14 the scope of the donee's official duties.

15 b. However, "gift" does not mean any of the
16 following:

17 (1) Campaign contributions.

18 (2) Food and beverage provided for immediate
19 consumption in the presence of the donor.

20 (3) Nonmonetary items with a value of five dollars
21 or less.

22 (4) Items donated within thirty days to a public
23 body or a bona fide educational or charitable
24 organization without the donation being claimed at any
25 time as a charitable contribution for tax purposes.

26 10. "Local official" and "local employee" mean an
27 official or employee of a political subdivision of
28 this state.

29 11. "Doing business with the state or a political
30 subdivision" means being a party to any one or any
31 combination of sales, purchases, leases, or contracts
32 to, from, or with the state or a political
33 subdivision, or any agency thereof, involving
34 consideration of two thousand five hundred dollars or
35 more on a cumulative basis during a calendar year. In
36 the case of the awarding or execution of a contract or
37 lease, the total ascertainable consideration committed
38 to be paid at the time of the making of the contract
39 or lease, regardless of the period of time over which
40 the payments are to be made, shall be included within
41 the calendar year of the award or execution.

42 Where the terms "legislative employee", "member of
43 the general assembly", "candidate", "employee", "local
44 employee", "official" or "local official" are used in
45 this chapter, they include a firm of which any of
46 those persons is a partner and a corporation of which
47 any of those persons holds ten percent or more of the
48 stock either directly or indirectly, and the spouse
49 and minor children of any of those persons.

50 Sec. 2. Section 68B.5, Code 1967, is amended by

H-3803

Page Three

1 striking the section and inserting in lieu thereof the
2 following:

3 68B.5 GIFTS SOLICITED OR ACCEPTED.

4 1. An official, employee, local official, local
5 employee, member of the general assembly, candidate,
6 or legislative employee shall not, directly or
7 indirectly, solicit, accept, or receive a gift.

8 2. A person shall not, directly or indirectly,
9 offer or make a gift to an official, employee, local
10 official, local employee, member of the general
11 assembly, candidate, or legislative employee.

12 Sec. 3. Section 68B.6, Code 1987, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A member of the general
15 assembly may appear before a governmental agency or
16 board in any case, proceeding, application, or other
17 matter before a state agency, court of the state of
18 Iowa, a federal court, or any federal bureau, agency,
19 commission, or department, except that the member
20 shall not appear for compensation if the matter is
21 subject to legislative review. Whenever a member
22 makes such an appearance, the member shall carefully
23 avoid all conduct which might in any way lead members
24 of the general public to conclude that the member is
25 using the member's official position to further the
26 member's professional success or personal financial
27 interest.

28 Sec. 4. Section 68B.8, Code 1987, is amended to
29 read as follows:

30 68B.8 ADDITIONAL PENALTY.

31 In addition to any penalty contained in any other
32 provision of law, a person who knowingly and
33 intentionally violates ~~the provisions~~ a provision of
34 ~~section 68B.3 to 68B.6 and this section shall be~~ is
35 guilty of a serious misdemeanor. and Regardless of
36 any action that may be taken in a criminal
37 prosecution, a person who knowingly and intentionally
38 violates a provision of section 68B.3 to 68B.6 may be
39 reprimanded, suspended, or dismissed from the person's
40 position or otherwise sanctioned.

41 Sec. 5. Section 68B.10, subsection 3, Code 1987,
42 is amended to read as follows:

43 3. Issue advisory opinions interpreting the intent
44 of constitutional and statutory provisions relating to
45 legislators and lobbyists as well as interpreting the
46 code of ethics and rules issued pursuant to this
47 section. Opinions shall be issued when approved by a
48 majority of the seven members and may be issued upon
49 the written request of a member of the general
50 assembly or upon the committee's initiation. Opinions

H-3803

Page Four

1 are not binding on the legislator or lobbyist.

2 Sec. 6. Section 68B.10, subsection 4, Code 1987,
3 is amended by striking the subsection and inserting in
4 lieu thereof the following:

5 4. Receive and investigate complaints and charges
6 against members of its house alleging a violation of
7 the code of ethics, rules governing lobbyists, this
8 chapter, or other matters referred to it by its house.
9 The committee shall recommend rules for the receipt
10 and processing of complaints made during the
11 legislative session and those made after the general
12 assembly adjourns.

13 Sec. 7. Section 68B.10, Code 1987, is amended by
14 adding the following new unnumbered paragraph after
15 subsection 5:

16 NEW UNNUMBERED PARAGRAPH. The ethics committees
17 may employ independent legal counsel to assist them in
18 carrying out their duties under this chapter with the
19 approval of the speaker of the house for the house
20 committee or the senate majority leader for the senate
21 committee. Payment of costs for the independent legal
22 counsel shall be made from section 2.12.

23 Sec. 8. Section 68B.10, unnumbered paragraph 5,
24 Code 1987, is amended to read as follows:

25 Violation of the code of ethics may result in the
26 suspension-of-a-member-from-the-general-assembly-and
27 the-forfeiture-of-the censure, reprimand, or other
28 sanctions as determined by a majority of the member's
29 house. However, a member may be suspended or expelled
30 and the member's salary forfeited only if directed by
31 a two-thirds vote of the member's house to which the
32 member belongs. Such A suspension, expulsion, or
33 forfeiture of salary shall be for such the duration as
34 specified in the directing resolution provided
35 however, that. However, it cannot shall not extend
36 beyond the date-of-adjournment-of-the-session end of
37 the general assembly during which the violation
38 occurred. Violation of the-rules a rule relating to
39 lobbyists and lobbying activities may result in the
40 suspension-of-any censure, reprimand, or other
41 sanctions as determined by a majority of the members
42 of the house in which the violation occurred.
43 However, a lobbyist may be suspended from lobbying
44 activities for the duration provided in the directing
45 resolution only if directed by a two-thirds vote of
46 the house wherein in which the violation occurred.

47 Sec. 9. Section 722.1, Code 1987, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 722.1 BRIBERY.

H-3803

Page Five

1 A person who offers, promises, or gives anything of
2 value or any benefit to a person who is serving or has
3 been elected, selected, appointed, employed, or
4 otherwise engaged to serve in a public capacity,
5 including a public officer or employee, a referee,
6 juror, or jury panel member, or a witness in a
7 judicial or arbitration hearing or any official
8 inquiry, or a member of a board of arbitration,
9 pursuant to an agreement or arrangement or with the
10 understanding that the promise or thing of value or
11 benefit will influence the act, vote, opinion,
12 judgment, decision, or exercise of discretion of the
13 person with respect to the person's services in that
14 capacity commits a class "D" felony. In addition, a
15 person convicted under this section is disqualified
16 from holding public office under the laws of this
17 state.

18 Sec. 10. Section 722.2, Code 1987, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 722.2 ACCEPTING BRIBE.

22 A person who is serving or has been elected,
23 selected, appointed, employed, or otherwise engaged to
24 serve in a public capacity, including a public officer
25 or employee, a referee, juror, or jury panel member,
26 or a witness in a judicial or arbitration hearing or
27 any official inquiry, or a member of a board of
28 arbitration who solicits or knowingly accepts or
29 receives a promise or anything of value or a benefit
30 given pursuant to an understanding or arrangement that
31 the promise or thing of value or benefit will
32 influence the act, vote, opinion, judgment, decision,
33 or exercise of discretion of the person with respect
34 to the person's services in that capacity commits a
35 class "C" felony. In addition, a person convicted
36 under this section is disqualified from holding public
37 office under the laws of this state.

38 Sec. 11. Section 68B.11, Code 1987, is repealed.

39 Sec. 12. This Act, being deemed of immediate
40 importance, is effective upon enactment."

41 2. Title page, by striking line 4 and inserting
42 the following: "subjecting".

H-3803 FILED APRIL 15, 1987

BY CHAPMAN of Linn
DE GROOT of Lyon*Adopted 4/16/87 (p. 1517)*

SENATE FILE 480

H-3682

1 Amend Senate File 480 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 9, by inserting after the word
4 "rendered" the following: "and includes honoraria".

5 2. Page 2, line 7, by striking the words "or
6 speech" and inserting the following: ", speech, or
7 written article".

8 3. Page 3, by striking line 4.

9 4. Page 3, by inserting after line 14 the
10 following:

11 "c. The following items are subject to the
12 reporting requirements of section 68B.11, but are not
13 included within the definition of a gift:

14 (1) Honoraria.

15 (2) Food and beverages provided for immediate
16 consumption and actually consumed upon the premises."

17 5. Page 4, line 17, by striking the word "fifty"
18 and inserting the following: "twenty-five".

19 6. Page 4, line 23, by striking the word "fifty"
20 and inserting the following: "twenty-five".

21 7. Page 4, line 29, by striking the word "fifty"
22 and inserting the following: "twenty-five".

23 8. Page 4, line 34, by striking the word "fifty"
24 and inserting the following: "twenty-five".

25 9. Page 4, line 35, by inserting after the word
26 "days" the words "after receipt".

27 10. Page 5, line 2, by inserting after the word
28 "services" the words "and the donated gift shall not
29 be claimed as a charitable deduction for tax
30 purposes".

31 11. Page 7, by striking lines 22 through 24 and
32 inserting the following: "donee."

33 12. Page 7, by striking lines 33 and 34 and
34 inserting the following: "donor and donee."

35 13. Page 8, by striking lines 8 and 9 and
36 inserting the following: "the donor and donee."

H-3682 FILED APRIL 8, 1987 BY HERMANN of Scott

Placed o/c 4/16 (p 1517)

SENATE FILE 480

H-3746

1 Amend Senate File 480, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 4, by inserting after line 2 the
4 following:

5 "15. "Scheduled entertainment" includes attendance
6 at or participation in speaking engagements, films,
7 musical or theatrical events or recreational games,
8 but does not include favors of complimentary
9 merchandise, door prizes, raffle prizes or prizes
10 resulting from recreational games."

H-3746 FILED APRIL 14, 1987 BY BENNETT of Ida

Placed o/c 4/16 (p 1517)

SENATE FILE 480

H-3864

1 Amend the amendment, H-3803, to Senate File 480 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by inserting after line 25 the
5 following:

6 "(5) Honoraria, limited to compensation for
7 personal appearances or speeches."

8 2. Page 4, by inserting after line 46 the
9 following:

10 "Sec. ____ . Section 68B.11, Code 1987, is amended
11 by striking the section and inserting in lieu thereof
12 the following:

13 68B.11 REPORTING.

14 The house of representatives, senate, supreme
15 court, and governing body of political subdivisions
16 shall adopt rules, and the governor shall issue an
17 executive order which requires an official, employee,
18 local official, local employee, member of the general
19 assembly, candidate, or legislative employee to report
20 the receipt of honoraria. The report shall include
21 the nature, amount, date, and payor of the honoraria
22 and shall be filed as provided in the rule or
23 executive order by the twentieth of the month
24 following the month in which the honoraria is
25 received."

26 3. Page 5, by striking line 38.

H-3864 FILED APRIL 16, 1987 BY HOLVECK of Polk
LOST (p. 1517)

SENATE FILE 480

H-3865

1 Amend the amendment, H-3803, to Senate File 480 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking lines 18 and 19.

BY HANSON of Delaware
HALVORSON of Webster
CARPENTER of Polk

H-3865 FILED APRIL 16, 1987
LOST (p. 1513)

H-3857

1 Amend amendment, H-3803, to Senate File 480, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 4, by inserting after line 46 the
 5 following:

6 "Sec. ____ . NEW SECTION. 68B.12 REPORTING OF FOOD
 7 AND BEVERAGE.

8 1. The house of representatives and the senate
 9 shall adopt rules requiring the reporting of food or
 10 beverages provided for immediate consumption in the
 11 presence of the donor made to members of the general
 12 assembly and legislative employees. The rules shall
 13 require public disclosure of the nature, amount, date,
 14 and donor of the food and beverages from any one donor
 15 or donors made to one of those individuals which
 16 exceed fifteen dollars in value in any one calendar
 17 day.

18 2. The governor shall issue an executive order
 19 requiring the reporting of food or beverages provided
 20 for immediate consumption in the presence of the donor
 21 made to officials and employees of the executive
 22 department of the state. The executive order shall
 23 require public disclosure of the nature, amount, date,
 24 and donor of the food and beverages from any one donor
 25 or donors made to one of those individuals which
 26 exceed fifteen dollars in value in any one calendar
 27 day.

28 3. The supreme court of this state shall adopt
 29 rules requiring the reporting of food or beverages
 30 provided for immediate consumption in the presence of
 31 the donor provided to officials and employees of the
 32 judicial department of this state. The rules shall
 33 require public disclosure of the nature, amount, date,
 34 and donor of the food and beverages from any one donor
 35 or donors made to one of those individuals which
 36 exceed fifteen dollars in value in any one calendar
 37 day.

38 4. The governing body of a political subdivision
 39 of this state shall adopt rules requiring the
 40 reporting of food or beverages provided for immediate
 41 consumption in the presence of the donor made to its
 42 respective members and its local officials and local
 43 employees and their immediate family members. The
 44 rules as adopted shall require public disclosure of
 45 the nature, amount, date, and donor of the food and
 46 beverages from any one donor or donors made to one of
 47 those individuals which exceed fifteen dollars in
 48 value in any one calendar day. Copies of the rules
 49 and reports shall be filed with the county auditor of
 50 the county in which the political subdivision is

Page Two

1 located.

2 The secretary of state shall develop a standard
 3 form for public disclosure of gifts in compliance with
 4 this subsection which shall be available at every
 5 county auditor's office without cost."

SENATE FILE 480

H-3869

1 Amend the amendment, H-3803, to Senate File 480 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 4, line 14, by striking the word
5 "paragraph" and inserting the following:
6 "paragraphs".

7 2. Page 4, by inserting after line 22 the
8 following:

9 "NEW UNNUMBERED PARAGRAPH. The rules governing
10 lobbyists and lobbying activities shall require that a
11 member of the general assembly monthly disclose any
12 food and beverage provided for immediate consumption
13 in the presence of the donor and consumed by the
14 member which exceeds two thousand calories in one
15 event."

H-3869 FILED APRIL 16, 1987 BY JAY of Appanoose
LOST (7.15.85)

SENATE FILE 480

H-3867

1 Amend amendment H-3803 to Senate File 480 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 2, by striking lines 3 through 14 and
5 inserting the following: "greater value is not given
6 or received, from a donor."

7 2. Page 2, by inserting after line 41 the
8 following:

9 "12. "Donor" means a person who is in any of the
10 following categories:

11 a. Is doing or seeking to do business of any kind
12 with the donee's agency.

13 b. Is engaged in activities which are regulated or
14 controlled by the donee's agency.

15 c. Has interests which may be substantially and
16 materially affected, in a manner distinguishable from
17 the public generally, by the performance or
18 nonperformance of the donee's official duties.

19 d. Is a lobbyist with respect to matters within
20 the scope of the donee's official duties."

21 3. Page 4, by inserting after line 46 the
22 following:

23 "Sec. ____ . NEW SECTION. 68B.12 REPORTING OF FOOD
24 AND BEVERAGE.

25 If a donor provides food or beverage for immediate
26 consumption in the presence of the donor to an
27 official, employee, local official, local employee,
28 member of the general assembly, legislative employee,
29 or candidate, the donor shall file a report as
30 required under this section. The report shall show
31 the total of the expenditures by the donor upon the
32 covered public servants of that branch of state
33 government or that political subdivision during the
34 calendar month. The senate, house of representatives,
35 supreme court, and political subdivisions shall adopt
36 rules, and the governor shall issue an executive order
37 regarding the filing of reports and disclosure of
38 expenditures under this section."

H-3867 FILED APRIL 16, 1987 BY CARPENTER of Polk
LOST (p 1513)

SENATE FILE 480

H 3808

Amend Senate File 480 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, line 5, by striking the words "statewide office or the general assembly" and inserting the following: "state, county, city, or school office and includes a person elected to such office until the person takes office".
2. Page 2, line 17, by striking the word "financial".
3. Page 2, line 20, by inserting after the word "donee's" the word "official".
4. Page 2, by inserting after line 22 the following:

"As used in subparagraphs (1) and (2), "agency" means the administrative unit of the state government or political subdivision in which the person serves."
5. Page 3, line 13, by inserting after the word "items" the following: "of negligible value".
6. Page 3, by striking lines 17 through 21 and inserting the following:

"12. "Public disclosure" means a written report required by this chapter or required by rules adopted or executive order issued pursuant to this chapter. Reports required of donors shall be filed by the fifteenth day and reports required of donees shall be filed by the twentieth day of the month following the month in which a gift is received."
7. Page 4, line 17, by striking the words "of fifty dollars or more" and inserting the following: "exceeding five dollars".
8. Page 4, lines 22 and 23, by striking the words "of fifty dollars or more" and inserting the following: "exceeding five dollars".
9. Page 4, by striking line 29 and inserting the following: "exceeding five dollars".
10. Page 4, lines 33 and 34, by striking the words "of fifty dollars or more" and inserting the words "exceeding five dollars".
11. Page 4, line 35, by inserting after the word "days" the words "after receipt".
12. Page 5, line 2, by inserting after the word "services" the words "and the donated gift shall not be claimed as a charitable deduction for tax purposes".
13. Page 5, by inserting after line 5 the following:

"4. The limitations of this section do not apply to gifts of food or beverages provided for immediate consumption in the presence of the donor."
14. By striking page 7, line 14 through page 8,

H-1908

Page Two

1 line 25 and inserting the following:

2 1. The house of representatives and the senate
3 shall adopt rules requiring the reporting of gifts
4 made to members of the general assembly, legislative
5 employees, and their immediate family members. The
6 rules shall require public disclosure of the nature,
7 amount, date, and donor of a gift or gifts from any
8 one donor or donors made to one of those individuals
9 of food or beverages provided for immediate
10 consumption in the presence of the donor which exceed
11 fifteen dollars in value in any one calendar day.

12 2. The governor shall issue an executive order
13 requiring the reporting of gifts made to officials and
14 employees of the executive department of the state and
15 their immediate family members. The executive order
16 shall require public disclosure of the nature, amount,
17 date, and donor of a gift or gifts from any one donor
18 or donors made to one of those individuals of food or
19 beverages provided for immediate consumption in the
20 presence of the donor which exceed fifteen dollars in
21 value in any one calendar day.

22 3. The supreme court of this state shall adopt
23 rules requiring the reporting of gifts made to
24 officials and employees of the judicial department of
25 this state and their immediate family members. The
26 rules shall require public disclosure of the nature,
27 amount, date, and donor of a gift or gifts from any
28 one donor or donors made to one of those individuals
29 of food or beverages provided for immediate
30 consumption in the presence of the donor which exceed
31 fifteen dollars in value in any one calendar day.

32 4. The governing body of a political subdivision
33 of this state shall adopt rules requiring the
34 reporting of gifts made to its respective members and
35 their immediate family members and its local officials
36 and local employees and their immediate family
37 members. The rules as adopted shall require public
38 disclosure of the nature, amount, date, and donor of a
39 gift or gifts from any one donor or donors made to one
40 of those individuals of food or beverages provided for
41 immediate consumption in the presence of the donor
42 which exceed fifteen dollars in value in any one
43 calendar day. Copies of the rules and reports shall
44 be filed with the county auditor of the county in
45 which the political subdivision is located.

46 The secretary of state shall develop a standard
47 form for public disclosure of gifts in compliance with
48 this subsection which shall be available at every
49 county auditor's office without cost."

50 15. Page 9, by inserting after line 13 the

H-3808

Page Three

1 following:

2 "8. The house of representatives, senate, supreme
3 court, and governing body of political subdivisions
4 shall adopt rules and the governor shall issue an
5 executive order which require an official, employer,
6 local official, local employee, member of the general
7 assembly, candidate, or legislative employee to report
8 the receipt of honoraria. The report shall include
9 the nature, amount, date, and payor of the honoraria
10 and shall be filed with the same officer as gift
11 reports are filed by the twentieth of the month
12 following the month in which the honoraria is
13 received."

14 16. Renumber as necessary.

BY HOLVECK of Polk

HANSON of Delaware

ROSENBERG of Story

MULLINS of Kossuth

H-3808 FILED APRIL 15, 1987

OSTERBERG of Linn

McKEAN of Jones

ADAMS of Hamilton

CARPENTER of Polk

JOHNSON of Winneshiek

HOUSE AMENDMENT TO
SENATE FILE 480

05

1 Amend Senate File 480 as amended, passed and
2 reprinted by the Senate as follows:

3 1. By striking all after the enacting clause and
4 inserting the following:

5 "Section 1. Section 68B.2, Code 1987, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 68B.2 DEFINITIONS.

9 When used in this chapter, unless the context
10 otherwise requires:

11 1. "Compensation" means any money, thing of value,
12 or financial benefit conferred in return for services
13 rendered or to be rendered.

14 2. "Legislative employee" means a full-time
15 officer or employee of the general assembly but does
16 not include members of the general assembly.

17 3. "Member of the general assembly" means an
18 individual duly elected to the senate or the house of
19 representatives of the state of Iowa.

20 4. "Regulatory agency" means the department of
21 agriculture and land stewardship, department of
22 employment services, department of commerce,
23 department of public health, department of public
24 safety, department of education, state board of
25 regents, department of human services, department of
26 revenue and finance, department of inspections and
27 appeals, department of personnel, public employment
28 relations board, department of transportation, civil
29 rights commission, department of public defense, and
30 department of natural resources.

31 5. "Employee" means a full-time, salaried employee
32 of the state of Iowa and does not include part-time
33 employees or independent contractors. Employee
34 includes but is not limited to all clerical personnel.

35 6. "Official" means an officer of the state of
36 Iowa receiving a salary or per diem whether elected or
37 appointed or whether serving full-time or part-time.
38 Official includes but is not limited to supervisory
39 personnel and members of state agencies and does not
40 include members of the general assembly or legislative
41 employees.

42 7. "Agency" means a department, division, board,
43 commission, or bureau of the state, including a
44 regulatory agency or any of its political
45 subdivisions.

46 8. "Candidate" means a candidate as defined in
47 section 56.2 and includes a person elected to public
48 office until the person takes office.

49 9. a. "Gift" means a rendering of money,
50 property, services, discount, loan forgiveness,

S-3705 pg. 2

1 payment of indebtedness, or anything else of value in
2 return for which legal consideration of equal or
3 greater value is not given and received, if the donor
4 is in any of the following categories:

5 (1) Is doing or seeking to do business of any kind
6 with the donee's agency.

7 (2) Is engaged in activities which are regulated
8 or controlled by the donee's agency.

9 (3) Has interests which may be substantially and
10 materially affected, in a manner distinguishable from
11 the public generally, by the performance or
12 nonperformance of the donee's official duties.

13 (4) Is a lobbyist with respect to matters within
14 the scope of the donee's official duties.

15 b. However, "gift" does not mean any of the
16 following:

17 (1) Campaign contributions.

18 (2) Food and beverage provided for immediate
19 consumption in the presence of the donor.

20 (3) Nonmonetary items with a value of five dollars
21 or less.

22 (4) Items donated within thirty days to a public
23 body or a bona fide educational or charitable
24 organization without the donation being claimed at any
25 time as a charitable contribution for tax purposes.

26 10. "Local official" and "local employee" mean an
27 official or employee of a political subdivision of
28 this state.

29 11. "Doing business with the state or a political
30 subdivision" means being a party to any one or any
31 combination of sales, purchases, leases, or contracts
32 to, from, or with the state or a political
33 subdivision, or any agency thereof, involving
34 consideration of two thousand five hundred dollars or
35 more on a cumulative basis during a calendar year. In
36 the case of the awarding or execution of a contract or
37 lease, the total ascertainable consideration committed
38 to be paid at the time of the making of the contract
39 or lease, regardless of the period of time over which
40 the payments are to be made, shall be included within
41 the calendar year of the award or execution.

42 Where the terms "legislative employee", "member of
43 the general assembly", "candidate", "employee", "local
44 employee", "official" or "local official" are used in
45 this chapter, they include a firm of which any of
46 those persons is a partner and a corporation of which
47 any of those persons holds ten percent or more of the
48 stock either directly or indirectly, and the spouse
49 and minor children of any of those persons.

50 Sec. 2. Section 68B.5, Code 1987, is amended by

S-3705 pg. 3

1 striking the section and inserting in lieu thereof the
2 following:

3 68B.5 GIFTS SOLICITED OR ACCEPTED.

4 1. An official, employee, local official, local
5 employee, member of the general assembly, candidate,
6 or legislative employee shall not, directly or
7 indirectly, solicit, accept, or receive a gift.

8 2. A person shall not, directly or indirectly,
9 offer or make a gift to an official, employee, local
10 official, local employee, member of the general
11 assembly, candidate, or legislative employee.

12 Sec. 3. Section 68B.6, Code 1987, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. A member of the general
15 assembly may appear before a governmental agency or
16 board in any case, proceeding, application, or other
17 matter before a state agency, court of the state of
18 Iowa, a federal court, or any federal bureau, agency,
19 commission, or department, except that the member
20 shall not appear for compensation if the matter is
21 subject to legislative review. Whenever a member
22 makes such an appearance, the member shall carefully
23 avoid all conduct which might in any way lead members
24 of the general public to conclude that the member is
25 using the member's official position to further the
26 member's professional success or personal financial
27 interest.

28 Sec. 4. Section 68B.8, Code 1987, is amended to
29 read as follows:

30 68B.8 ADDITIONAL PENALTY.

31 In addition to any penalty contained in any other
32 provision of law, a person who knowingly and
33 intentionally violates ~~the provisions~~ a provision of
34 section 68B.3 to 68B.6 ~~and this section shall be~~ is
35 guilty of a serious misdemeanor. and Regardless of
36 any action that may be taken in a criminal
37 prosecution, a person who knowingly and intentionally
38 violates a provision of section 68B.3 to 68B.6 may be
39 reprimanded, suspended, or dismissed from the person's
40 position or otherwise sanctioned.

41 Sec. 5. Section 68B.10, subsection 3, Code 1987,
42 is amended to read as follows:

43 3. Issue advisory opinions interpreting the intent
44 of constitutional and statutory provisions relating to
45 legislators and lobbyists as well as interpreting the
46 code of ethics and rules issued pursuant to this
47 section. Opinions shall be issued when approved by a
48 majority of the seven members and may be issued upon
49 the written request of a member of the general
50 assembly or upon the committee's initiation. Opinions

S-3705 pg. 4

1 are not binding on the legislator or lobbyist.

2 Sec. 6. Section 68B.10, subsection 4, Code 1987,
3 is amended by striking the subsection and inserting in
4 lieu thereof the following:

5 4. Receive and investigate complaints and charges
6 against members of its house alleging a violation of
7 the code of ethics, rules governing lobbyists, this
8 chapter, or other matters referred to it by its house.
9 The committee shall recommend rules for the receipt
10 and processing of complaints made during the
11 legislative session and those made after the general
12 assembly adjourns.

13 Sec. 7. Section 68B.10, Code 1987, is amended by
14 adding the following new unnumbered paragraph after
15 subsection 5:

16 NEW UNNUMBERED PARAGRAPH. The ethics committees
17 may employ independent legal counsel to assist them in
18 carrying out their duties under this chapter with the
19 approval of the speaker of the house for the house
20 committee or the senate majority leader for the senate
21 committee. Payment of costs for the independent legal
22 counsel shall be made from section 2.12.

23 Sec. 8. Section 68B.10, unnumbered paragraph 5,
24 Code 1987, is amended to read as follows:

25 Violation of the code of ethics may result in the
26 suspension-of-a-member-from-the-general-assembly-and
27 the-forfeiture-of-the censure, reprimand, or other
28 sanctions as determined by a majority of the member's
29 house. However, a member may be suspended or expelled
30 and the member's salary forfeited only if directed by
31 a two-thirds vote of the member's house to-which-the
32 member-belongs. Such A suspension, expulsion, or
33 forfeiture of salary shall be for such the duration as
34 specified in the directing resolution provided
35 however, that. However, it cannot shall not extend
36 beyond the date-of-adjournment-of-the-session end of
37 the general assembly during which the violation
38 occurred. Violation of the-rules a rule relating to
39 lobbyists and lobbying activities may result in the
40 suspension-of-any censure, reprimand, or other
41 sanctions as determined by a majority of the members
42 of the house in which the violation occurred.
43 However, a lobbyist may be suspended from lobbying
44 activities for the duration provided in the directing
45 resolution only if directed by a two-thirds vote of
46 the house wherein in which the violation occurred.

47 Sec. 9. Section 722.1, Code 1987, is amended by
48 striking the section and inserting in lieu thereof the
49 following:

50 722.1 BRIBERY.

S-3705 pg. 5

A person who offers, promises, or gives anything of value or any benefit to a person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration, pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "D" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

Sec. 10. Section 722.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.2 ACCEPTING BRIBE.

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

Sec. 11. Section 68B.11, Code 1987, is repealed.

Sec. 12. This Act, being deemed of immediate importance, is effective upon enactment."

2. Title page, by striking line 4 and inserting the following: "subjecting".

S-3705

Filed April 21, 1987

RECEIVED FROM THE HOUSE

*Senate amended (3994) & Concurred
5/6/87 (p 1728)*

SENATE FILE 480

S-3994

1 Amend the House amendment, S-3705, to Senate File
2 480 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking line 5 through page 5,
5 line 42 and inserting the following:

6 "Section 1. Section 68B.2, Code 1987, is amended
7 by striking the section and inserting in lieu thereof
8 the following:

9 68B.2 DEFINITIONS.

10 When used in this chapter, unless the context
11 otherwise requires:

12 1. "Compensation" means any money, thing of value,
13 or financial benefit conferred in return for services
14 rendered or to be rendered.

15 2. "Legislative employee" means a full-time
16 officer or employee of the general assembly but does
17 not include members of the general assembly.

18 3. "Member of the general assembly" means an
19 individual duly elected to the senate or the house of
20 representatives of the state of Iowa.

21 4. "Regulatory agency" means the department of
22 agriculture and land stewardship, department of
23 employment services, department of commerce,
24 department of public health, department of public
25 safety, department of education, state board of
26 regents, department of human services, department of
27 revenue and finance, department of inspections and
28 appeals, department of personnel, public employment
29 relations board, department of transportation, civil
30 rights commission, department of public defense, and
31 department of natural resources.

32 5. "Employee" means a full-time, salaried employee
33 of the state of Iowa and does not include part-time
34 employees or independent contractors. Employee
35 includes but is not limited to all clerical personnel.

36 6. "Official" means an officer of the state of
37 Iowa receiving a salary or per diem whether elected or
38 appointed or whether serving full-time or part-time.
39 Official includes but is not limited to supervisory
40 personnel and members of state agencies and does not
41 include members of the general assembly or legislative
42 employees.

43 7. "Agency" means a department, division, board,
44 commission, or bureau of the state, including a
45 regulatory agency, or any of its political
46 subdivisions.

47 8. "Candidate" means a candidate as defined in
48 section 56.2 and includes a person elected to public
49 office until the person takes office.

50 9. a. "Gift" means a rendering of money,

S-3994 pg. 2

- 1 property, services, discount, loan forgiveness,
- 2 payment of indebtedness, or anything else of value in
- 3 return for which legal consideration of equal or
- 4 greater value is not given and received, if the donor
- 5 is in any of the following categories:
- 6 (1) Is doing or seeking to do business of any kind
- 7 with the donee's agency.
- 8 (2) Is engaged in activities which are regulated
- 9 or controlled by the donee's agency.
- 10 (3) Has interests which may be substantially and
- 11 materially affected, in a manner distinguishable from
- 12 the public generally, by the performance or
- 13 nonperformance of the donee's official duty.
- 14 (4) Is a lobbyist with respect to matters within
- 15 the donee's jurisdiction.
- 16 b. However, "gift" does not mean any of the
- 17 following:
- 18 (1) Campaign contributions.
- 19 (2) Informational material relevant to a public
- 20 servant's official functions, such as books,
- 21 pamphlets, reports, documents, or periodicals, and
- 22 registration fees or tuition not including travel or
- 23 lodging, for not more than three days, at seminars or
- 24 other public meetings conducted in this state, at
- 25 which the public servant receives information relevant
- 26 to the public servant's official functions.
- 27 Information or participation received under the
- 28 exclusion of this paragraph may be applied to satisfy
- 29 a continuing education requirement of the donee's
- 30 regulated occupation or profession if the donee pays
- 31 any registration costs exceeding thirty-five dollars.
- 32 (3) Anything received from a person related within
- 33 the fourth degree by kinship or marriage, unless the
- 34 donor is acting as an agent or intermediary for
- 35 another person not so related.
- 36 (4) An inheritance.
- 37 (5) Anything available to or distributed to the
- 38 public generally without regard to official status of
- 39 the recipient.
- 40 (6) Food, beverages, registration, and scheduled
- 41 entertainment at group events to which all members of
- 42 either house or both houses of the general assembly
- 43 are invited.
- 44 (7) Actual expenses for food, beverages, travel,
- 45 lodging, registration, and scheduled entertainment of
- 46 the donee for a meeting, which is given in return for
- 47 participation in a panel or speaking engagement at the
- 48 meeting.
- 49 (8) Plaques or items of negligible resale value
- 50 given as recognition for public services.

S-3994 pg. 3

10. "Local official" and "local employee" mean an official or employee of a political subdivision of this state.

11. "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted or executive order issued pursuant to this chapter.

12. "Immediate family members" means the spouse and minor children of a person required to file reports pursuant to this chapter or the rules adopted or executive order issued pursuant to this chapter.

13. "Is doing business with the donee's agency" means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the state or a political subdivision, or any agency thereof.

Where the terms "legislative employee", "member of the general assembly", "candidate", "employee", "local employee", "official" or "local official" are used in this chapter, they include a firm of which any of those persons is a partner and a corporation of which any of those persons holds ten percent or more of the stock either directly or indirectly, and the spouse and minor children of any of those persons.

Sec. 2. Section 68B.5, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

68B.5 GIFTS SOLICITED OR ACCEPTED.

1. An official, employee, local official, local employee, member of the general assembly, candidate, legislative employee or that person's immediate family member shall not, directly or indirectly, solicit, accept, or receive from any one donor in any one calendar day a gift or a series of gifts having a value of thirty-five dollars or more.

2. A person shall not, directly or indirectly, offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a value of thirty-five dollars or more. A person shall not, directly or indirectly, join with one or more other persons to offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a total value of thirty-five dollars or more. The thirty-five dollar

S-3994 pg. 4

1 limitation of this section applies separately to a
2 person and the person's immediate family member.
3 3. A person may give and an official, employee,
4 local official, local employee, member of the general
5 assembly, candidate, legislative employee or the
6 person's immediate family member may accept in any one
7 calendar day a gift or a series of gifts which has a
8 value of thirty-five dollars or more and not be in
9 violation of this section if the gift or series of
10 gifts is donated within thirty days to a public body,
11 a bona fide educational or charitable organization, or
12 the department of general services. All such items
13 donated to the department of general services shall be
14 disposed of by assignment to state agencies for
15 official use or by public sale.

16 Sec. 3. Section 68B.8, Code 1987, is amended to
17 read as follows:

18 68B.8 ADDITIONAL PENALTY.

19 In addition to any penalty contained in any other
20 provision of law, a person who knowingly and
21 intentionally violates ~~the provisions~~ a provision of
22 ~~section 68B.3 to 68B.6 and this section shall be~~ is
23 guilty of a serious misdemeanor and may be
24 reprimanded, suspended, or dismissed from the person's
25 position or otherwise sanctioned.

26 Sec. 4. Section 68B.10, subsection 3, Code 1987,
27 is amended to read as follows:

28 3. Issue advisory opinions interpreting the intent
29 of constitutional and statutory provisions relating to
30 legislators and lobbyists as well as interpreting the
31 code of ethics and rules issued pursuant to this
32 section. Opinions shall be issued when approved by a
33 majority of the seven members and may be issued upon
34 the written request of a member of the general
35 assembly or upon the committee's initiation. Opinions
36 are not binding on the legislator or lobbyist.

37 Sec. 5. Section 68B.10, subsection 4, Code 1987,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:

40 4. Receive and investigate complaints and charges
41 against members of its house alleging a violation of
42 the code of ethics, rules governing lobbyists, this
43 chapter, or other matters referred to it by its house.
44 The committee shall recommend rules for the receipt
45 and processing of complaints made during the
46 legislative session and those made after the general
47 assembly adjourns.

48 Sec. 6. Section 68B.10, Code 1987, is amended by
49 adding the following new unnumbered paragraph after
50 subsection 5:

S-3994 pg. 5

1 NEW UNNUMBERED PARAGRAPH. The ethics committees
2 may employ independent legal counsel to assist them in
3 carrying out their duties under this chapter with the
4 approval of a committee's house when the general
5 assembly is in session and with the approval of the
6 rules and administration committee of that house when
7 the general assembly is not in session. Payment of
8 costs for the independent legal counsel shall be made
9 from section 2.12.

10 Sec. 7. Section 68B.10, unnumbered paragraph 5,
11 Code 1987, is amended to read as follows:

12 Violation of the code of ethics may result in the
13 suspension-of-a-member-from-the-general-assembly-and
14 the-forfeiture-of-the censure, reprimand, or other
15 sanctions as determined by a majority of the member's
16 house. However, a member may be suspended or expelled
17 and the member's salary forfeited only if directed by
18 a two-thirds vote of the member's house to-which-the
19 member-belongs. Such A suspension, expulsion, or
20 forfeiture of salary shall be for such the duration as
21 specified in the directing resolution provided
22 however, that. However, it cannot shall not extend
23 beyond the date-of-adjourment-of-the-session end of
24 the general assembly during which the violation
25 occurred. Violation of the-rules a rule relating to
26 lobbyists and lobbying activities may result in the
27 suspension-of-any censure, reprimand, or other
28 sanctions as determined by a majority of the members
29 of the house in which the violation occurred.

30 However, a lobbyist may be suspended from lobbying
31 activities for the duration provided in the directing
32 resolution only if directed by a two-thirds vote of
33 the house wherein in which the violation occurred.

34 Sec. 8. Section 68B.11, Code 1987, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 68B.11 REPORTING OF GIFTS AND FINANCIAL
38 DISCLOSURE.

39 1. The house of representatives and the senate
40 shall adopt rules requiring the reporting of gifts
41 made to members of the general assembly, legislative
42 employees, and their immediate family members. The
43 rules shall require public disclosure of the nature,
44 amount, date, and donor of a gift or gifts from any
45 one donor made to one of those individuals which
46 exceed fifteen dollars in cumulative value in any one
47 calendar day. The rules shall require such disclosure
48 by both the donor and donee. However, the rules of
49 either or both houses may waive the reporting of food
50 and beverage provided for immediate consumption in the

S-3994 pg. 6

1 presence of the donor.

2 2. The governor shall issue an executive order
3 requiring the reporting of gifts made to officials and
4 employees of the executive department of the state and
5 their immediate family members. The executive order
6 shall require public disclosure of the nature, amount,
7 date, and donor of a gift or gifts from any one donor
8 made to one of those individuals which exceeds fifteen
9 dollars in cumulative value in any one calendar day.

10 The executive order shall require such disclosure by
11 both the donor and donee. The executive order may
12 waive the reporting of food and beverage provided for
13 immediate consumption in the presence of the donor.

14 3. The supreme court of this state shall adopt
15 rules requiring the reporting of gifts made to
16 officials and employees of the judicial department of
17 this state and their immediate family members. The
18 rules shall require public disclosure of the nature,
19 amount, date, and donor of a gift or gifts from any
20 one donor made to one of those individuals which
21 exceeds fifteen dollars in cumulative value in any one
22 calendar day. The rules shall require such disclosure
23 by both the donor and donee. The rules may waive the
24 reporting of food and beverage provided for immediate
25 consumption in the presence of the donor.

26 4. The governing body of a political subdivision
27 of this state shall adopt rules requiring the
28 reporting of gifts made to its respective members and
29 their immediate family members and its local officials
30 and local employees and their immediate family
31 members. The rules as adopted shall require public
32 disclosure of the nature, amount, date, and donor of a
33 gift or gifts from any one donor made to one of those
34 individuals which exceeds fifteen dollars in
35 cumulative value in any one calendar day. The rules
36 shall require such disclosure by both the donor and
37 donee. The rules may waive the reporting of food and
38 beverage provided for immediate consumption in the
39 presence of the donor. Copies of the rules and
40 reports shall be filed with the county auditor of the
41 county in which the political subdivision is located.

42 The secretary of state shall develop a standard
43 form for public disclosure of gifts in compliance with
44 this subsection which shall be available at every
45 county auditor's office without cost.

46 5. a. In determining the value of a gift, an
47 individual making a gift on behalf of more than one
48 person shall not divide the value of the gift by the
49 number of persons on whose behalf the gift is made.

50 b. The value of a gift to the donee is the value

S-3994 pg. 7

1 actually received.

2 c. For the purposes of the reporting requirements
3 of this section, a donor of a gift made by more than
4 one individual to one or more donees shall report the
5 gift if the total value of the gift to the donee
6 exceeds fifteen dollars.

7 6. The rules required under this section shall
8 provide that expenses for food, beverages,
9 registration, and scheduled entertainment at group
10 events to which all members of either house or both
11 houses of the general assembly have been invited shall
12 be reported for each such event by reporting the date,
13 location, and total expense incurred by the donor or
14 donors.

15 7. Reporting requirements adopted or issued under
16 this section may include requirements relating to the
17 reporting of income which is not a gift.

18 8. A person who does not make public disclosure of
19 gifts as required by this chapter or the rules adopted
20 or executive order issued pursuant to this chapter is
21 guilty of a serious misdemeanor.

22 Sec. 9. Section 722.1, Code 1987, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 722.1 BRIBERY.

26 A person who offers, promises, or gives anything of
27 value or any benefit to a person who is serving or has
28 been elected, selected, appointed, employed, or
29 otherwise engaged to serve in a public capacity,
30 including a public officer or employee, a referee,
31 juror, or jury panel member, or a witness in a
32 judicial or arbitration hearing or any official
33 inquiry, or a member of a board of arbitration,
34 pursuant to an agreement or arrangement or with the
35 understanding that the promise or thing of value or
36 benefit will influence the act, vote, opinion,
37 judgment, decision, or exercise of discretion of the
38 person with respect to the person's services in that
39 capacity commits a class "D" felony. In addition, a
40 person convicted under this section is disqualified
41 from holding public office under the laws of this
42 state.

43 Sec. 10. Section 722.2, Code 1987, is amended by
44 striking the section and inserting in lieu thereof the
45 following:

46 722.2 ACCEPTING BRIBE.

47 A person who is serving or has been elected,
48 selected, appointed, employed, or otherwise engaged to
49 serve in a public capacity, including a public officer
50 or employee, a referee, juror, or jury panel member,

SENATE 11
May 6, 1987

S-3994 pg. 8

1 or a witness in a judicial or arbitration hearing or
2 any official inquiry, or a member of a board of
3 arbitration who solicits or knowingly accepts or
4 receives a promise or anything of value or a benefit
5 given pursuant to an understanding or arrangement that
6 the promise or thing of value or benefit will
7 influence the act, vote, opinion, judgment, decision,
8 or exercise of discretion of the person with respect
9 to the person's services in that capacity commits a
10 class "C" felony. In addition, a person convicted
11 under this section is disqualified from holding public
12 office under the laws of this state.
13 Sec. 11. This Act, being deemed of immediate
14 importance, is effective upon enactment."

S-3994

Filed May 5, 1987

Adopted 5/6/87 (p 1728)

BY TOM MANN, JR.

RAY TAYLOR

RICHARD F. DRAKE

SENATE FILE 480

S-4019

1 Amend amendment, S-3994, to House amendment, S-
2 3705, to Senate File 480 as amended, passed and
3 reprinted by the Senate as follows:

4 1. By striking page 5, line 48 through page 6,
5 line 1 and inserting the following: "by both the
6 donor and donee."

7 2. Page 6, by striking lines 11 through 13 and
8 inserting the following: "both the donor and donee".

9 3. Page 6, by striking lines 23 through 25 and
10 inserting the following: "by both the donor and
11 donee."

12 4. Page 6, by striking lines 37 through 39 and
13 inserting the following: "donee. Copies of the rules
14 and".

S-4019

Filed May 6, 1987

LOST (p 1728)

BY RICHARD F. DRAKE

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 480
H-4240

1 Amend the House amendment, S-3705, to Senate File
2 480 as amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 1, by striking line 5 through page 5,
5 line 42 and inserting the following:

6 "Section 1. Section 68B.2, Code 1987, is amended
7 by striking the section and inserting in lieu thereof
8 the following:

9 68B.2 DEFINITIONS.

10 When used in this chapter, unless the context
11 otherwise requires:

12 1. "Compensation" means any money, thing of value,
13 or financial benefit conferred in return for services
14 rendered or to be rendered.

15 2. "Legislative employee" means a full-time
16 officer or employee of the general assembly but does
17 not include members of the general assembly.

18 3. "Member of the general assembly" means an
19 individual duly elected to the senate or the house of
20 representatives of the state of Iowa.

21 4. "Regulatory agency" means the department of
22 agriculture and land stewardship, department of
23 employment services, department of commerce,
24 department of public health, department of public
25 safety, department of education, state board of
26 regents, department of human services, department of
27 revenue and finance, department of inspections and
28 appeals, department of personnel, public employment
29 relations board, department of transportation, civil
30 rights commission, department of public defense, and
31 department of natural resources.

32 5. "Employee" means a full-time, salaried employee
33 of the state of Iowa and does not include part-time
34 employees or independent contractors. Employee
35 includes but is not limited to all clerical personnel.

36 6. "Official" means an officer of the state of
37 Iowa receiving a salary or per diem whether elected or
38 appointed or whether serving full-time or part-time.
39 Official includes but is not limited to supervisory
40 personnel and members of state agencies and does not
41 include members of the general assembly or legislative
42 employees.

43 7. "Agency" means a department, division, board,
44 commission, or bureau of the state, including a
45 regulatory agency, or any of its political
46 subdivisions.

47 8. "Candidate" means a candidate as defined in
48 section 56.2 and includes a person elected to public
49 office until the person takes office.

50 9. a. "Gift" means a rendering of money,

H-4240

Page Two

- 1 property, services, discount, loan forgiveness,
2 payment of indebtedness, or anything else of value in
3 return for which legal consideration of equal or
4 greater value is not given and received, if the donor
5 is in any of the following categories:
- 6 (1) Is doing or seeking to do business of any kind
7 with the donee's agency.
 - 8 (2) Is engaged in activities which are regulated
9 or controlled by the donee's agency.
 - 10 (3) Has interests which may be substantially and
11 materially affected, in a manner distinguishable from
12 the public generally, by the performance or
13 nonperformance of the donee's official duty.
 - 14 (4) Is a lobbyist with respect to matters within
15 the donee's jurisdiction.
- 16 b. However, "gift" does not mean any of the
17 following:
- 18 (1) Campaign contributions.
 - 19 (2) Informational material relevant to a public
20 servant's official functions, such as books,
21 pamphlets, reports, documents, or periodicals, and
22 registration fees or tuition not including travel or
23 lodging, for not more than three days, at seminars or
24 other public meetings conducted in this state, at
25 which the public servant receives information relevant
26 to the public servant's official functions.
27 Information or participation received under the
28 exclusion of this paragraph may be applied to satisfy
29 a continuing education requirement of the donee's
30 regulated occupation or profession if the donee pays
31 any registration costs exceeding thirty-five dollars.
 - 32 (3) Anything received from a person related within
33 the fourth degree by kinship or marriage, unless the
34 donor is acting as an agent or intermediary for
35 another person not so related.
 - 36 (4) An inheritance.
 - 37 (5) Anything available to or distributed to the
38 public generally without regard to official status of
39 the recipient.
 - 40 (6) Food, beverages, registration, and scheduled
41 entertainment at group events to which all members of
42 either house or both houses of the general assembly
43 are invited.
 - 44 (7) Actual expenses for food, beverages, travel,
45 lodging, registration, and scheduled entertainment of
46 the donee for a meeting, which is given in return for
47 participation in a panel or speaking engagement at the
48 meeting.
 - 49 (8) Plaques or items of negligible resale value
50 given as recognition for public services.

H-4240

Page Three

1 10. "Local official" and "local employee" mean an
2 official or employee of a political subdivision of
3 this state.

4 11. "Public disclosure" means a written report
5 filed by the fifteenth day of the month following the
6 month in which a gift is received as required by this
7 chapter or required by rules adopted or executive
8 order issued pursuant to this chapter.

9 12. "Immediate family members" means the spouse
10 and minor children of a person required to file
11 reports pursuant to this chapter or the rules adopted
12 or executive order issued pursuant to this chapter.

13 13. "Is doing business with the donee's agency"
14 means being a party to any one or any combination of
15 sales, purchases, leases, or contracts to, from, or
16 with the state or a political subdivision, or any
17 agency thereof.

18 Where the terms "legislative employee", "member of
19 the general assembly", "candidate", "employee", "local
20 employee", "official" or "local official" are used in
21 this chapter, they include a firm of which any of
22 those persons is a partner and a corporation of which
23 any of those persons holds ten percent or more of the
24 stock either directly or indirectly, and the spouse
25 and minor children of any of those persons.

26 Sec. 2. Section 68B.5, Code 1987, is amended by
27 striking the section and inserting in lieu thereof the
28 following:

29 68B.5 GIFTS SOLICITED OR ACCEPTED.

30 1. An official, employee, local official, local
31 employee, member of the general assembly, candidate,
32 legislative employee or that person's immediate family
33 member shall not, directly or indirectly, solicit,
34 accept, or receive from any one donor in any one
35 calendar day a gift or a series of gifts having a
36 value of thirty-five dollars or more.

37 2. A person shall not, directly or indirectly,
38 offer or make a gift or a series of gifts to an
39 official, employee, local official, local employee,
40 member of the general assembly, candidate, or
41 legislative employee, in any one calendar day, if the
42 gift or series of gifts has a value of thirty-five
43 dollars or more. A person shall not, directly or
44 indirectly, join with one or more other persons to
45 offer or make a gift or a series of gifts to an
46 official, employee, local official, local employee,
47 member of the general assembly, candidate, or
48 legislative employee, in any one calendar day, if the
49 gift or series of gifts has a total value of thirty-
50 five dollars or more. The thirty-five dollar

H-4240

Page Four

1 limitation of this section applies separately to a
2 person and the person's immediate family member.

3 3. A person may give and an official, employee,
4 local official, local employee, member of the general
5 assembly, candidate, legislative employee or the
6 person's immediate family member may accept in any one
7 calendar day a gift or a series of gifts which has a
8 value of thirty-five dollars or more and not be in
9 violation of this section if the gift or series of
10 gifts is donated within thirty days to a public body,
11 a bona fide educational or charitable organization, or
12 the department of general services. All such items
13 donated to the department of general services shall be
14 disposed of by assignment to state agencies for
15 official use or by public sale.

16 Sec. 3. Section 68B.8, Code 1987, is amended to
17 read as follows:

18 68B.8 ADDITIONAL PENALTY.

19 In addition to any penalty contained in any other
20 provision of law, a person who knowingly and
21 intentionally violates ~~the provisions a provision of~~
22 section 68B.3 to 68B.6 and this section shall be is
23 guilty of a serious misdemeanor and may be
24 reprimanded, suspended, or dismissed from the person's
25 position or otherwise sanctioned.

26 Sec. 4. Section 68B.10, subsection 3, Code 1987,
27 is amended to read as follows:

28 3. Issue advisory opinions interpreting the intent
29 of constitutional and statutory provisions relating to
30 legislators and lobbyists as well as interpreting the
31 code of ethics and rules issued pursuant to this
32 section. Opinions shall be issued when approved by a
33 majority of the seven members and may be issued upon
34 the written request of a member of the general
35 assembly or upon the committee's initiation. Opinions
36 are not binding on the legislator or lobbyist.

37 Sec. 5. Section 68B.10, subsection 4, Code 1987,
38 is amended by striking the subsection and inserting in
39 lieu thereof the following:

40 4. Receive and investigate complaints and charges
41 against members of its house alleging a violation of
42 the code of ethics, rules governing lobbyists, this
43 chapter, or other matters referred to it by its house.
44 The committee shall recommend rules for the receipt
45 and processing of complaints made during the
46 legislative session and those made after the general
47 assembly adjourns.

48 Sec. 6. Section 68B.10, Code 1987, is amended by
49 adding the following new unnumbered paragraph after
50 subsection 5:

H-4240

Page Five

1 NEW UNNUMBERED PARAGRAPH. The ethics committees
2 may employ independent legal counsel to assist them in
3 carrying out their duties under this chapter with the
4 approval of a committee's house when the general
5 assembly is in session and with the approval of the
6 rules and administration committee of that house when
7 the general assembly is not in session. Payment of
8 costs for the independent legal counsel shall be made
9 from section 2.12.

10 Sec. 7. Section 68B.10, unnumbered paragraph 5,
11 Code 1987, is amended to read as follows:

12 Violation of the code of ethics may result in the
13 suspension-of-a-member-from-the-general-assembly-and
14 the-forfeiture-of-the censure, reprimand, or other
15 sanctions as determined by a majority of the member's
16 house. However, a member may be suspended or expelled
17 and the member's salary forfeited only if directed by
18 a two-thirds vote of the member's house to-which-the
19 member-belongs. Such A suspension, expulsion, or
20 forfeiture of salary shall be for such the duration as
21 specified in the directing resolution provided
22 however-that. However, it cannot shall not extend
23 beyond the date-of-adjourment-of-the-session end of
24 the general assembly during which the violation
25 occurred. Violation of the-rules a rule relating to
26 lobbyists and lobbying activities may result in the
27 suspension-of-any censure, reprimand, or other
28 sanctions as determined by a majority of the members
29 of the house in which the violation occurred.
30 However, a lobbyist may be suspended from lobbying
31 activities for the duration provided in the directing
32 resolution only if directed by a two-thirds vote of
33 the house wherein in which the violation occurred.

34 Sec. 8. Section 68B.11, Code 1987, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 68B.11 REPORTING OF GIFTS AND FINANCIAL
38 DISCLOSURE.

39 1. The house of representatives and the senate
40 shall adopt rules requiring the reporting of gifts
41 made to members of the general assembly, legislative
42 employees, and their immediate family members. The
43 rules shall require public disclosure of the nature,
44 amount, date, and donor of a gift or gifts from any
45 one donor made to one of those individuals which
46 exceed fifteen dollars in cumulative value in any one
47 calendar day. The rules shall require such disclosure
48 by both the donor and donee. However, the rules of
49 either or both houses may waive the reporting of food
50 and beverage provided for immediate consumption in the

H-4240

Page Six

1 presence of the donor.

2 2. The governor shall issue an executive order
3 requiring the reporting of gifts made to officials and
4 employees of the executive department of the state and
5 their immediate family members. The executive order
6 shall require public disclosure of the nature, amount,
7 date, and donor of a gift or gifts from any one donor
8 made to one of those individuals which exceeds fifteen
9 dollars in cumulative value in any one calendar day.
10 The executive order shall require such disclosure by
11 both the donor and donee. The executive order may
12 waive the reporting of food and beverage provided for
13 immediate consumption in the presence of the donor.

14 3. The supreme court of this state shall adopt
15 rules requiring the reporting of gifts made to
16 officials and employees of the judicial department of
17 this state and their immediate family members. The
18 rules shall require public disclosure of the nature,
19 amount, date, and donor of a gift or gifts from any
20 one donor made to one of those individuals which
21 exceeds fifteen dollars in cumulative value in any one
22 calendar day. The rules shall require such disclosure
23 by both the donor and donee. The rules may waive the
24 reporting of food and beverage provided for immediate
25 consumption in the presence of the donor.

26 4. The governing body of a political subdivision
27 of this state shall adopt rules requiring the
28 reporting of gifts made to its respective members and
29 their immediate family members and its local officials
30 and local employees and their immediate family
31 members. The rules as adopted shall require public
32 disclosure of the nature, amount, date, and donor of a
33 gift or gifts from any one donor made to one of those
34 individuals which exceeds fifteen dollars in
35 cumulative value in any one calendar day. The rules
36 shall require such disclosure by both the donor and
37 donee. The rules may waive the reporting of food and
38 beverage provided for immediate consumption in the
39 presence of the donor. Copies of the rules and
40 reports shall be filed with the county auditor of the
41 county in which the political subdivision is located.

42 The secretary of state shall develop a standard
43 form for public disclosure of gifts in compliance with
44 this subsection which shall be available at every
45 county auditor's office without cost.

46 5. a. In determining the value of a gift, an
47 individual making a gift on behalf of more than one
48 person shall not divide the value of the gift by the
49 number of persons on whose behalf the gift is made.

50 b. The value of a gift to the donee is the value

H-4240

Page Seven

actually received.

c. For the purposes of the reporting requirements of this section, a donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.

6. The rules required under this section shall provide that expenses for food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the general assembly have been invited shall be reported for each such event by reporting the date, location, and total expense incurred by the donor or donors.

7. Reporting requirements adopted or issued under this section may include requirements relating to the reporting of income which is not a gift.

8. A person who does not make public disclosure of gifts as required by this chapter or the rules adopted or executive order issued pursuant to this chapter is guilty of a serious misdemeanor.

Sec. 9. Section 722.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.1 BRIBERY.

A person who offers, promises, or gives anything of value or any benefit to a person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration, pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "D" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

Sec. 10. Section 722.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.2 ACCEPTING BRIBE.

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member,

H-4240

Page Eight

1 or a witness in a judicial or arbitration hearing or
2 any official inquiry, or a member of a board of
3 arbitration who solicits or knowingly accepts or
4 receives a promise or anything of value or a benefit
5 given pursuant to an understanding or arrangement that
6 the promise or thing of value or benefit will
7 influence the act, vote, opinion, judgment, decision,
8 or exercise of discretion of the person with respect
9 to the person's services in that capacity commits a
10 class "C" felony. In addition, a person convicted
11 under this section is disqualified from holding public
12 office under the laws of this state.
13 Sec. 11. This Act, being deemed of immediate
14 importance, is effective upon enactment."

H-4240 FILED MAY 6, 1987

RECEIVED FROM THE SENATE

How CONCURRED 5/6/87 (p. 2034)

SENATE FILE 480

AN ACT

RELATING TO THINGS OF VALUE GIVEN TO AND RECEIVED BY PUBLIC EMPLOYEES, OFFICIALS, MEMBERS OF THE GENERAL ASSEMBLY, OTHER PERSONS SERVING IN A PUBLIC CAPACITY, AND CANDIDATES, MANDATING REPORTING OF CERTAIN THINGS OF VALUE, SUBJECTING VIOLATORS TO PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 60B.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

60B.2 DEFINITIONS.

When used in this chapter, unless the context otherwise requires:

1. "Compensation" means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.

2. "Legislative employee" means a full-time officer or employee of the general assembly but does not include members of the general assembly.

3. "Member of the general assembly" means an individual duly elected to the senate or the house of representatives of the state of Iowa.

4. "Regulatory agency" means the department of agriculture and land stewardship, department of employment services, department of commerce, department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue and finance, department of inspections and appeals, department of personnel, public employment relations board, department of transportation, civil rights commission, department of public defense, and department of natural resources.

5. "Employee" means a full-time, salaried employee of the state of Iowa and does not include part-time employees or independent contractors. Employee includes but is not limited to all clerical personnel.

6. "Official" means an officer of the state of Iowa receiving a salary or per diem whether elected or appointed or whether serving full-time or part-time. Official includes but is not limited to supervisory personnel and members of state agencies and does not include members of the general assembly or legislative employees.

7. "Agency" means a department, division, board, commission, or bureau of the state, including a regulatory agency, or any of its political subdivisions.

8. "Candidate" means a candidate as defined in section 56.2 and includes a person elected to public office until the person takes office.

9. a. "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

(1) Is doing or seeking to do business of any kind with the donee's agency.

(2) Is engaged in activities which are regulated or controlled by the donee's agency.

(3) Has interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the donee's official duty.

(4) Is a lobbyist with respect to matters within the donee's jurisdiction.

b. However, "gift" does not mean any of the following:

(1) Campaign contributions.

(2) Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition

not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars.

(3) Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

(4) An inheritance.

(5) Anything available to or distributed to the public generally without regard to official status of the recipient.

(6) Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the general assembly are invited.

(7) Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.

(8) Plaques or items of negligible resale value given as recognition for public services.

10. "Local official" and "local employee" mean an official or employee of a political subdivision of this state.

11. "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted or executive order issued pursuant to this chapter.

12. "Immediate family members" means the spouse and minor children of a person required to file reports pursuant to this chapter or the rules adopted or executive order issued pursuant to this chapter.

13. "Is doing business with the donee's agency" means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the state or a political subdivision, or any agency thereof.

Where the terms "legislative employee", "member of the general assembly", "candidate", "employee", "local employee", "official" or "local official" are used in this chapter, they include a firm of which any of those persons is a partner and a corporation of which any of those persons holds ten percent or more of the stock either directly or indirectly, and the spouse and minor children of any of those persons.

Sec. 2. Section 68B.5, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

68B.5 GIFTS SOLICITED OR ACCEPTED.

1. An official, employee, local official, local employee, member of the general assembly, candidate, legislative employee or that person's immediate family member shall not, directly or indirectly, solicit, accept, or receive from any one donor in any one calendar day a gift or a series of gifts having a value of thirty-five dollars or more.

2. A person shall not, directly or indirectly, offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a value of thirty-five dollars or more. A person shall not, directly or indirectly, join with one or more other persons to offer or make a gift or a series of gifts to an official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee, in any one calendar day, if the gift or series of gifts has a total value of thirty-five dollars or more. The thirty-five dollar limitation of this section applies separately to a person and the person's immediate family member.

3. A person may give and an official, employee, local official, local employee, member of the general assembly,

candidate, legislative employee or the person's immediate family member may accept in any one calendar day a gift or a series of gifts which has a value of thirty-five dollars or more and not be in violation of this section if the gift or series of gifts is donated within thirty days to a public body, a bona fide educational or charitable organization, or the department of general services. All such items donated to the department of general services shall be disposed of by assignment to state agencies for official use or by public sale.

Sec. 3. Section 68B.8, Code 1987, is amended to read as follows:

68B.8 ADDITIONAL PENALTY.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates the provisions a provision of section 68B.3 to 68B.6 and ~~this section shall be~~ is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

Sec. 4. Section 68B.10, subsection 3, Code 1987, is amended to read as follows:

3. Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators and lobbyists as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the seven members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator or lobbyist.

Sec. 5. Section 68B.10, subsection 4, Code 1987, is amended by striking the subsection and inserting in lieu thereof the following:

4. Receive and investigate complaints and charges against members of its house alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house. The committee shall

recommend rules for the receipt and processing of complaints made during the legislative session and those made after the general assembly adjourns.

Sec. 6. Section 68B.10, Code 1987, is amended by adding the following new unnumbered paragraph after subsection 5:

NEW UNNUMBERED PARAGRAPH. The ethics committees may employ independent legal counsel to assist them in carrying out their duties under this chapter with the approval of a committee's house when the general assembly is in session and with the approval of the rules and administration committee of that house when the general assembly is not in session. Payment of costs for the independent legal counsel shall be made from section 2.12.

Sec. 7. Section 68B.10, unnumbered paragraph 5, Code 1987, is amended to read as follows:

Violation of the code of ethics may result in the ~~suspension of a member from the general assembly and the forfeiture of the censure, reprimand, or other sanctions as determined by a majority of the member's house. However, a member may be suspended or expelled and the member's salary forfeited only~~ if directed by a two-thirds vote of the member's house to which the member belongs. Such a suspension, expulsion, or forfeiture of salary shall be for such the duration as specified in the directing resolution provided however that. However, it cannot shall not extend beyond the date of adjournment of the session end of the general assembly during which the violation occurred. Violation of the rules a rule relating to lobbyists and lobbying activities may result in the ~~suspension of any censure, reprimand, or other sanctions as determined by a majority of the members of the house in which the violation occurred. However, a lobbyist may be suspended from lobbying activities for the duration provided in the directing resolution only~~ if directed by a two-thirds vote of the house wherein in which the violation occurred.

Sec. 0. Section 68B.11, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

68B.11 REPORTING OF GIFTS AND FINANCIAL DISCLOSURE.

1. The house of representatives and the senate shall adopt rules requiring the reporting of gifts made to members of the general assembly, legislative employees, and their immediate family members. The rules shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceed fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. However, the rules of either or both houses may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

2. The governor shall issue an executive order requiring the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members. The executive order shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The executive order shall require such disclosure by both the donor and donee. The executive order may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

3. The supreme court of this state shall adopt rules requiring the reporting of gifts made to officials and employees of the judicial department of this state and their immediate family members. The rules shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. The rules may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor.

4. The governing body of a political subdivision of this state shall adopt rules requiring the reporting of gifts made to its respective members and their immediate family members and its local officials and local employees and their immediate family members. The rules as adopted shall require public disclosure of the nature, amount, date, and donor of a gift or gifts from any one donor made to one of those individuals which exceeds fifteen dollars in cumulative value in any one calendar day. The rules shall require such disclosure by both the donor and donee. The rules may waive the reporting of food and beverage provided for immediate consumption in the presence of the donor. Copies of the rules and reports shall be filed with the county auditor of the county in which the political subdivision is located.

The secretary of state shall develop a standard form for public disclosure of gifts in compliance with this subsection which shall be available at every county auditor's office without cost.

5. a. In determining the value of a gift, an individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made.

b. The value of a gift to the donee is the value actually received.

c. For the purposes of the reporting requirements of this section, a donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.

6. The rules required under this section shall provide that expenses for food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the general assembly have been invited shall be reported for each such event by reporting the date, location, and total expense incurred by the donor or donors.

7. Reporting requirements adopted or issued under this section may include requirements relating to the reporting of income which is not a gift.

8. A person who does not make public disclosure of gifts as required by this chapter or the rules adopted or executive order issued pursuant to this chapter is guilty of a serious misdemeanor.

Sec. 9. Section 722.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.1 BRIBERY.

A person who offers, promises, or gives anything of value or any benefit to a person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration, pursuant to an agreement or arrangement or with the understanding that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "D" felony. In addition, a person convicted under this section is disqualified from holding public office under the laws of this state.

Sec. 10. Section 722.2, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

722.2 ACCEPTING BRIBE.

A person who is serving or has been elected, selected, appointed, employed, or otherwise engaged to serve in a public capacity, including a public officer or employee, a referee, juror, or jury panel member, or a witness in a judicial or arbitration hearing or any official inquiry, or a member of a board of arbitration who solicits or knowingly accepts or receives a promise or anything of value or a benefit given pursuant to an understanding or arrangement that the promise or thing of value or benefit will influence the act, vote, opinion, judgment, decision, or exercise of discretion of the person with respect to the person's services in that capacity commits a class "C" felony. In addition, a person convicted

under this section is disqualified from holding public office under the laws of this state.

Sec. 11. This Act, being deemed of immediate importance, is effective upon enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 480, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved June 5, 1987

TERRY E. BRANSTAD
Governor

SF 480