

Gipp, Chair
Arnold

HSB 510

STATE GOVERNMENT

Chiodo

Jager

Jochum

O'Brien

Van Engenderhoven

SENATE/HOUSE FILE

SF 02431

BY (PROPOSED ETHICS AND CAMPAIGN
DISCLOSURE BOARD BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to ethics and campaign disclosure board
2 procedures and to conflicts of interest of public officers and
3 employees.

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

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10 MARGINS L

20 Section 1. Section 68B.26, Code 1999, is amended to read
30 as follows:

40 68B.26 ACTIONS COMMENCED.

50 ~~Actions against public officials or public employees to~~
60 ~~enforce the provisions of this chapter may be commenced by the~~
70 ~~filing of a complaint with the county attorney by any legal~~
80 ~~resident of the state of Iowa who is eighteen years of age or~~
90 ~~more at the time of commencing the action or by the attorney~~
100 ~~general.~~ Complaints regarding conduct of local officials or
110 local employees which violates this chapter shall be filed
120 with the county attorney in the county where the accused
130 resides. However, if the county attorney is the person
140 against whom the complaint is filed, or if the county attorney
150 otherwise has a personal or legal conflict of interest, the
160 complaint shall be filed with the attorney general.

170 Sec. 2. Section 68B.32D, subsection 1, Code 1999, is
180 amended by adding the following new paragraph:

190 NEW PARAGRAPH. j. Charge a fee to the respondent not to
200 exceed seventy-five dollars for conducting a contested case
210 proceeding pursuant to this chapter, chapter 56, or rules
220 adopted by the board which leads to a disciplinary action
230 against the respondent. In addition to the fee, the board may
240 recover costs for all of the following procedures along with
250 associated personnel expenses for the procedures:

260 (1) Preparation of a transcript of the proceeding.

270 (2) Witness fees and expenses.

280 (3) Depositions.

290 Sec. 3. Section 68B.32D, subsection 3, Code 1999, is
300 amended to read as follows:

310 3. If a person fails to comply with an order action of the
320 board under subsection 1, ~~paragraph "a", "b", "c", or "h",~~ the
330 board may petition the Polk county district court having
340 jurisdiction for an order for enforcement of the order action
350 of the board. The enforcement proceeding shall be conducted
360 as provided in section 68B.33.

370 Sec. 4. Section 68B.38, subsection 1, Code 1999, is

LIBRARY 8 (Gina)

380 amended to read as follows:

390 1. ~~Beginning in 1994, no later than~~ On or before January
400 31 and July 31 of each year, ~~unless no payments are made,~~ a
410 lobbyist's client shall file with the general assembly or
420 board a report that contains information on all salaries,
430 fees, and retainers paid by the lobbyist's client to the
440 lobbyist for lobbying purposes during the preceding six
450 calendar months. Reports by lobbyists' clients shall be filed
460 with the same entity with which the lobbyist filed the
470 lobbyist's registration.

480 MARGINS C

490

EXPLANATION

500 MARGINS L

510 This bill limits actions which can be commenced to enforce
520 provisions of the Code relating to conflicts of interest of
530 public officers and public employees. The bill provides that
540 an action may only be brought against local officials or local
550 employees and not against state employees or legislative
560 employees. The bill does not impact the legislative ethics
570 committee's jurisdiction over legislators and lobbyists and
580 the Iowa ethics and campaign disclosure board's jurisdiction
590 over state officials and employees of state government.

600 The bill provides that, in an action to enforce provisions
610 of the Code relating to conflicts of interest of public
620 officers and employees, the complaint shall be filed with the
630 attorney general if the county attorney is the person against
640 whom the complaint is filed or if the county attorney
650 otherwise has a personal or legal conflict of interest. All
660 other complaints are filed with the county attorney in the
670 county where the accused resides.

680 The bill provides that the ethics and campaign disclosure
690 board may charge a fee for conducting a contested case
700 pursuant to provisions of the Code relating to conflicts of
710 interest of public officers and employees and campaign
720 finance, or rules, which case leads to a disciplinary action.
730 The bill provides that the board may also recover costs,
740 including associated personnel expenses, for preparation of a

LIBRARY 8 (Gina)

750 transcript of the proceeding, witness fees and expenses, and
760 depositions.

770 The bill provides that if a person fails to comply with an
780 action of the board, the board may file a petition in the Polk
790 county district court to enforce the order.

800 The bill requires that a lobbyist's client file a report on
810 or before January 31 and July 31 containing information on all
820 salaries, fees, and retainers paid by the lobbyist's client to
830 the lobbyist for lobbying purposes, regardless of whether any
840 payments have been made during the previous six months.

850 Currently, if no payments are made during the previous six
860 months, a report is not required.

870 MARGINS F F

880 LSB 5281DP 78

890 tm/gg/8

SBS10



THOMAS J. VILSACK, GOVERNOR
JULY J. PEDERSON, LT. GOVERNOR

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD
KAY WILLIAMS, EXECUTIVE DIRECTOR

TO: MEMBERS OF 2000 IOWA GENERAL ASSEMBLY
FROM: W. CHARLES SMITHSON, LEGAL COUNSEL WCS
DATE: JANUARY 10, 2000
Re: IECDB DEPARTMENTAL BILL FOR ETHICS

On behalf of the Iowa Ethics and Campaign Disclosure Board, I am respectfully submitting the Board's 2000 Departmental Bill concerning proposed changes to the ethics and conflict of interest law found in Iowa Code Chapter 68B. The provisions in this bill are for the following purposes:

1. Amend Iowa Code section 68B.26 by removing confusing language and by inserting a section that states that a complaint regarding the conduct of a county attorney, who is the subject of that complaint, shall be filed with the Attorney General's Office. Currently, all complaints concerning local governmental official is filed with the appropriate county attorney. Thus, under the current law a complaint against a county attorney would have to be filed with that county attorney. The jurisdiction for executive branch ethics remains with the Board and jurisdiction for the legislative branch remains with the appropriate ethics committees.
2. Amend Iowa Code section 68B.32D(1) by permitting the Board to charge court costs and other fees against an individual whom a violation was proven. Currently, the Board absorbs the costs of hearings in its budget. Other Boards have this same provision in their laws.
3. Amend Iowa Code section 68B.32(D)(3) by clarifying the law and ensuring that the Board is able to enforce its sanctions in court.
4. Amend Iowa Code section 68B.38 by deleting the phrase "unless no payments are made". Currently, lobbyist's clients only file reports disclosing fees and salaries paid to the lobbyist if such payments are made. However, the Board does not know when a lobbyist is not compensated and the report does not need to be filed, or when a client has failed to file a report. Therefore, when a lobbyist client does not file the report, the Board has to initiate the procedures involved with the failure to file the report. Then the Board is informed by the client that it really did not fail to file the report, but that it was not required to file at all. This amendment would require the client to file the report regardless of whether or not a salary or fee was paid and eliminate this confusion. Granted, some reports would show \$0.00 expenditures, but that is preferable to the current confusion.

These proposed changes would better enable the Board to serve the public and the Board's constituents. I look forward to working the 2000 Iowa General Assembly to achieve the goals set out in the proposed legislation.

S-3/8/00 State Gov
S-2/14/00 Do Pass

FEB 24 2000

Place On Calendar

HOUSE FILE **2431**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 510)

Passed House, Date ^(p.583) 3-7-00 Passed Senate, Date ^(p.168) 3-21-00
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0
Approved 3/31/00

A BILL FOR

1 An Act relating to ethics and campaign disclosure board
2 procedures and to conflicts of interest of public officers and
3 employees.

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

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HOUSE FILE 2431

H-8199

- 1 Amend House File 2431 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 56.15B LIMITATION ON
- 5 CONTRIBUTIONS.
- 6 A person shall not make a contribution to a
- 7 candidate or candidate's committee that exceeds five
- 8 hundred dollars in the aggregate in any calendar
- 9 year."
- 10 2. Title page, line 2, by striking the word
- 11 "procedures" and inserting the following: "policies
- 12 and procedures, including a limitation on political
- 13 contributions to candidates".
- 14 3. By renumbering as necessary.

By FALLON of Polk

H-8199 FILED MARCH 7, 2000

O/O 3/7/00 (p. 583)

HF 2431

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1 Section 1. Section 68B.26, Code 1999, is amended to read
2 as follows:

3 68B.26 ACTIONS COMMENCED.

4 ~~Actions against public officials or public employees to~~
5 ~~enforce the provisions of this chapter may be commenced by the~~
6 ~~filing of a complaint with the county attorney by any legal~~
7 ~~resident of the state of Iowa who is eighteen years of age or~~
8 ~~more at the time of commencing the action or by the attorney~~
9 ~~general.~~ Complaints regarding conduct of local officials or
10 local employees which violates this chapter shall be filed
11 with the county attorney in the county where the accused
12 resides. However, if the county attorney is the person
13 against whom the complaint is filed, or if the county attorney
14 otherwise has a personal or legal conflict of interest, the
15 complaint shall be referred to another county attorney.

16 Sec. 2. Section 68B.32D, subsection 3, Code 1999, is
17 amended to read as follows:

18 3. If a person fails to comply with an order action of the
19 board under subsection 1, ~~paragraph "a", "b", "c" or "h"~~ the
20 board may petition the Polk county district court having
21 jurisdiction for an order for enforcement of the order action
22 of the board. The enforcement proceeding shall be conducted
23 as provided in section 68B.33.

24 Sec. 3. Section 68B.38, subsection 1, Code 1999, is
25 amended to read as follows:

26 1. ~~Beginning in 1994, no later than~~ On or before January
27 31 and July 31 of each year, ~~unless no payments are made,~~ a
28 lobbyist's client shall file with the general assembly or
29 board a report that contains information on all salaries,
30 fees, and retainers paid by the lobbyist's client to the
31 lobbyist for lobbying purposes during the preceding six
32 calendar months. Reports by lobbyists' clients shall be filed
33 with the same entity with which the lobbyist filed the
34 lobbyist's registration.

35

EXPLANATION

1 This bill limits actions which can be commenced to enforce
2 provisions of the Code relating to conflicts of interest of
3 public officers and public employees. The bill provides that
4 an action may only be brought against local officials or local
5 employees and not against state employees or legislative
6 employees. The bill does not impact the legislative ethics
7 committee's jurisdiction over legislators and lobbyists and
8 the Iowa ethics and campaign disclosure board's jurisdiction
9 over state officials and employees of state government.

10 The bill provides that, in an action to enforce provisions
11 of the Code relating to conflicts of interest of public
12 officers and employees, the complaint shall be filed with
13 another county attorney if the county attorney is the person
14 against whom the complaint is filed or if the county attorney
15 otherwise has a personal or legal conflict of interest. All
16 other complaints are filed with the county attorney in the
17 county where the accused resides.

18 The bill provides that if a person fails to comply with an
19 action of the Iowa ethics and campaign disclosure board, the
20 board may file a petition in the Polk county district court to
21 enforce the order.

22 The bill requires that a lobbyist's client file a report on
23 or before January 31 and July 31 containing information on all
24 salaries, fees, and retainers paid by the lobbyist's client to
25 the lobbyist for lobbying purposes, regardless of whether any
26 payments have been made during the previous six months.
27 Currently, if no payments are made during the previous six
28 months, a report is not required.

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HOUSE FILE 2431

AN ACT

RELATING TO ETHICS AND CAMPAIGN DISCLOSURE BOARD PROCEDURES
AND TO CONFLICTS OF INTEREST OF PUBLIC OFFICERS AND EMPLOYEES.

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

Section 1. Section 68B.26, Code 1999, is amended to read
as follows:

68B.26 ACTIONS COMMENCED.

~~Actions against public officials or public employees to enforce the provisions of this chapter may be commenced by the filing of a complaint with the county attorney by any legal resident of the state of Iowa who is eighteen years of age or more at the time of commencing the action or by the attorney general.~~ Complaints regarding conduct of local officials or local employees which violates this chapter shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney.

Sec. 2. Section 68B.32D, subsection 3, Code 1999, is amended to read as follows:

3. If a person fails to comply with an order action of the board under subsection 1, ~~paragraph "a", "b", "c", or "h",~~ the board may petition the Polk county district court ~~having~~ jurisdiction for an order for enforcement of the order action of the board. The enforcement proceeding shall be conducted as provided in section 68B.33.

Sec. 3. Section 68B.38, subsection 1, Code 1999, is amended to read as follows:

1. ~~Beginning in 1994, no later than~~ On or before January 31 and July 31 of each year, ~~unless no payments are made,~~ a

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

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2431, Seventy-eighth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 3/31, 2000

THOMAS J. VILSACK
Governor