

MAR 8 2006
Place On Calendar

HOUSE FILE 2706
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 687)

Passed House, Date 3-21-06 Passed Senate, Date _____
Vote: Ayes 96 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the confidentiality of certain records
2 relating to charitable donations for the benefit of a
3 government body.

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

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HF 2706

1 Section 1. Section 22.7, Code Supplement 2005, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 52. The following records relating to a
4 charitable donation for the benefit of a government body:

5 a. Portions of records that disclose information about a
6 donor's or prospective donor's personal, financial, estate
7 planning, or gift planning matters.

8 b. Records received from a prospective donor regarding
9 such donor's prospective gift or pledge.

10 c. Records containing information about a donor or a
11 prospective donor in regard to the appropriateness of the
12 solicitation and dollar amount of the gift or pledge.

13 d. Portions of records that identify a prospective donor
14 and that provide information on the appropriateness of the
15 solicitation, the form of the gift or dollar amount requested
16 by the solicitor, and the name of the solicitor.

17 e. Portions of records disclosing the identity of a donor
18 or prospective donor, including the specific form of gift or
19 pledge that could identify a donor or prospective donor,
20 directly or indirectly, when such donor has requested
21 anonymity in connection with the gift or pledge. This
22 paragraph does not apply to a gift or pledge of a publicly
23 held business corporation.

24 This subsection does not apply to a report filed with the
25 ethics and campaign disclosure board pursuant to section 8.7.

26 EXPLANATION

27 This bill amends Code section 22.7 by establishing a
28 confidentiality exception to Iowa's public records law for
29 certain records relating to charitable donations for the
30 benefit of a governmental body.

31 The bill provides that records or portions of records that
32 disclose information about a donor's or prospective donor's
33 personal, financial, estate planning, or gift planning
34 matters, records received from a prospective donor regarding
35 such donor's prospective gift or pledge, records containing

1 information about a donor or a prospective donor in regard to
2 the appropriateness of the solicitation and dollar amount of
3 the gift or pledge, records that identify a prospective donor
4 and that provide information on the appropriateness of the
5 solicitation, the form of the gift or dollar amount requested
6 by the solicitor, and the name of the solicitor, and portions
7 of records disclosing the identity of a donor or prospective
8 donor, directly or indirectly, when such donor has requested
9 anonymity in connection with the gift or pledge, except for a
10 gift or pledge of a publicly held business corporation.

11 The bill provides that the bill does not apply to a report
12 filed with the ethics and campaign disclosure board.

13 For purposes of Iowa's open records law, the term
14 "government body" means this state, or any county, city,
15 township, school corporation, political subdivision, tax-
16 supported district, nonprofit corporation other than a fair
17 conducting a fair event as provided in Code chapter 174, whose
18 facilities or indebtedness are supported in whole or in part
19 with property tax revenue and which is licensed to conduct
20 pari-mutuel wagering pursuant to Code chapter 99D, or other
21 entity of this state, or any branch, department, board,
22 bureau, commission, council, committee, official, or officer
23 of any of the foregoing or employee responsible for
24 implementing the requirements of the open records law.

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HOUSE FILE 2706

H-8269

- 1 Amend House File 2706 as follows:
2 1. Page 1, line 4, by striking the words "for the
3 benefit of a government body" and inserting the
4 following: "made to a foundation acting solely for
5 the support of an institution governed by the state
6 board of regents, to a private foundation as defined
7 in section 509 of the Internal Revenue Code organized
8 for the support of a government body, or to an endow
9 Iowa qualified community foundation, as defined in
10 section 15E.303, organized for the support of a
11 government body".
12 2. Page 1, line 22, by striking the word "of" and
13 inserting the following: "from".
14 3. Title page, lines 2 and 3, by striking the
15 words "for the benefit of a government body" and
16 inserting the following: "made to a foundation acting
17 solely for the support of an institution governed by
18 the state board of regents, to a private foundation as
19 defined in section 509 of the Internal Revenue Code
20 organized for the support of a government body, or to
21 an endow Iowa qualified community foundation, as
22 defined in section 15E.303, organized for the support
23 of a government body".
24 4. By renumbering as necessary.

By KURTENBACH of Story

H-8269 FILED MARCH 15, 2006

HOUSE FILE 2706
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 687)

(As Amended and Passed by the House March 21, 2006)

Re- Passed House, Date 5-3-06 Passed Senate, Date 5-3-06
Vote: Ayes 93 Nays 0 Vote: Ayes 49 Nays 0
Approved _____

A BILL FOR

1 An Act providing for the confidentiality of certain records
2 relating to charitable donations made to a foundation acting
3 solely for the support of an institution governed by the state
4 board of regents, to a private foundation as defined in
5 section 509 of the Internal Revenue Code organized for the
6 support of a government body, or to an endow Iowa qualified
7 community foundation, as defined in section 15E.303, organized
8 for the support of a government body.

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

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House Amendments _____

1 Section 1. Section 22.7, Code Supplement 2005, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 52. The following records relating to a
4 charitable donation made to a foundation acting solely for the
5 support of an institution governed by the state board of
6 regents, to a private foundation as defined in section 509 of
7 the Internal Revenue Code organized for the support of a
8 government body, or to an endow Iowa qualified community
9 foundation, as defined in section 15E.303, organized for the
10 support of a government body:

11 a. Portions of records that disclose information about a
12 donor's or prospective donor's personal, financial, estate
13 planning, or gift planning matters.

14 b. Records received from a prospective donor regarding
15 such donor's prospective gift or pledge.

16 c. Records containing information about a donor or a
17 prospective donor in regard to the appropriateness of the
18 solicitation and dollar amount of the gift or pledge.

19 d. Portions of records that identify a prospective donor
20 and that provide information on the appropriateness of the
21 solicitation, the form of the gift or dollar amount requested
22 by the solicitor, and the name of the solicitor.

23 e. Portions of records disclosing the identity of a donor
24 or prospective donor, including the specific form of gift or
25 pledge that could identify a donor or prospective donor,
26 directly or indirectly, when such donor has requested
27 anonymity in connection with the gift or pledge. This
28 paragraph does not apply to a gift or pledge from a publicly
29 held business corporation.

30 This subsection does not apply to a report filed with the
31 ethics and campaign disclosure board pursuant to section 8.7.

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HOUSE FILE 2706

S-5264

1 Amend House File 2706, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by striking the words
4 "information about".

5 2. Page 1, line 14, by inserting after the word
6 "a" the following: "donor or".

7 3. Page 1, by inserting after line 29, the
8 following:

9 "f. The confidential records described in
10 paragraphs "a" through "e" shall not be construed to
11 make confidential those portions of records disclosing
12 any of the following:

13 (1) The amount and date of the donation.

14 (2) Any donor-designated use or purpose of the
15 donation.

16 (3) Any other donor-imposed restrictions on the
17 use of the donation.

18 (4) When a pledge or donation is made expressly
19 conditioned on receipt by the donor, or any person
20 related to the donor by blood or marriage within the
21 third degree of consanguinity, of any privilege,
22 benefit, employment, program admission, or other
23 special consideration from the government body, a
24 description of any and all such consideration offered
25 or given in exchange for the pledge or donation.

26 g. Except as provided in paragraphs "a" through
27 "f", portions of records relating to the receipt,
28 holding, and disbursement of gifts made for the
29 benefit of regents institutions and made through
30 foundations established for support of regents
31 institutions, including but not limited to written
32 fund-raising policies and documents evidencing
33 fund-raising practices, shall be subject to this
34 chapter."

35 4. By renumbering as necessary.

By HERMAN C. QUIRMBACH
LARRY MCKIBBEN

S-5264 FILED MAY 3, 2006
ADOPTED

**SENATE AMENDMENT TO
HOUSE FILE 2706**

H-8643

1 Amend House File 2706, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, by striking the words
4 "information about".
5 2. Page 1, line 14, by inserting after the word
6 "a" the following: "donor or".
7 3. Page 1, by inserting after line 29, the
8 following:
9 "f. The confidential records described in
10 paragraphs "a" through "e" shall not be construed to
11 make confidential those portions of records disclosing
12 any of the following:
13 (1) The amount and date of the donation.
14 (2) Any donor-designated use or purpose of the
15 donation.
16 (3) Any other donor-imposed restrictions on the
17 use of the donation.
18 (4) When a pledge or donation is made expressly
19 conditioned on receipt by the donor, or any person
20 related to the donor by blood or marriage within the
21 third degree of consanguinity, of any privilege,
22 benefit, employment, program admission, or other
23 special consideration from the government body, a
24 description of any and all such consideration offered
25 or given in exchange for the pledge or donation.
26 g. Except as provided in paragraphs "a" through
27 "f", portions of records relating to the receipt,
28 holding, and disbursement of gifts made for the
29 benefit of regents institutions and made through
30 foundations established for support of regents
31 institutions, including but not limited to written
32 fund-raising policies and documents evidencing
33 fund-raising practices, shall be subject to this
34 chapter."
35 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8643 FILED MAY 3, 2006
CONCURRED

Roberts chair
Buckta
Kensing
Paulsen
Tomenga

HOUSE FILE SE 2706 ^{led by}
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the confidentiality of certain records
2 relating to charitable donations for the benefit of a
3 government body.

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

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2 by adding the following new subsection:

3 NEW SUBSECTION. 52. The following records relating to a
4 charitable donation for the benefit of a government body:

5 a. Portions of records that disclose information about a
6 donor's or prospective donor's personal, financial, estate
7 planning, or gift planning matters.

8 b. Records received from a prospective donor regarding
9 such donor's prospective gift or pledge.

10 c. Records containing information about a donor or a
11 prospective donor in regard to the appropriateness of the
12 solicitation and dollar amount of the gift or pledge.

13 d. Portions of records that identify a prospective donor
14 and that provide information on the appropriateness of the
15 solicitation, the form of the gift or dollar amount requested
16 by the solicitor, and the name of the solicitor.

17 e. Portions of records that identify a donor and the
18 specific form of gift or pledge payment schedule, except where
19 a donor authorized or permitted the public disclosure of such
20 information.

21 f. Portions of records disclosing the identity of a donor
22 or prospective donor when such donor has requested anonymity
23 in connection with the gift or pledge.

24 EXPLANATION

25 This bill amends Code section 22.7 by establishing a
26 confidentiality exception to Iowa's public records law for
27 certain records relating to charitable donations for the
28 benefit of a governmental body.

29 The bill provides that records or portions of records that
30 disclose information about a donor's or prospective donor's
31 personal, financial, estate planning, or gift planning
32 matters, records received from a prospective donor regarding
33 such donor's prospective gift or pledge, records containing
34 information about a donor or a prospective donor in regard to
35 the appropriateness of the solicitation and dollar amount of

1 the gift or pledge, records that identify a prospective donor
2 and that provide information on the appropriateness of the
3 solicitation, the form of the gift or dollar amount requested
4 by the solicitor, and the name of the solicitor, records that
5 identify a donor and the specific form of gift or pledge
6 payment schedule, except where a donor authorized or permitted
7 the public disclosure of such information, and records that
8 disclose the identity of a donor or prospective donor when
9 such donor has requested anonymity in connection with the gift
10 or pledge shall be confidential.

11 For purposes of Iowa's open records law, the term
12 "government body" means this state, or any county, city,
13 township, school corporation, political subdivision, tax-
14 supported district, nonprofit corporation other than a fair
15 conducting a fair event as provided in Code chapter 174, whose
16 facilities or indebtedness are supported in whole or in part
17 with property tax revenue and which is licensed to conduct
18 pari-mutuel wagering pursuant to Code chapter 99D, or other
19 entity of this state, or any branch, department, board,
20 bureau, commission, council, committee, official, or officer
21 of any of the foregoing or employee responsible for
22 implementing the requirements of the open records law.

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HOUSE FILE 2706

AN ACT

PROVIDING FOR THE CONFIDENTIALITY OF CERTAIN RECORDS RELATING TO CHARITABLE DONATIONS MADE TO A FOUNDATION ACTING SOLELY FOR THE SUPPORT OF AN INSTITUTION GOVERNED BY THE STATE BOARD OF REGENTS, TO A PRIVATE FOUNDATION AS DEFINED IN SECTION 509 OF THE INTERNAL REVENUE CODE ORGANIZED FOR THE SUPPORT OF A GOVERNMENT BODY, OR TO AN ENDOW IOWA QUALIFIED COMMUNITY FOUNDATION, AS DEFINED IN SECTION 15E.303, ORGANIZED FOR THE SUPPORT OF A GOVERNMENT BODY.

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

Section 1. Section 22.7, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 52. The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

a. Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

b. Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

c. Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

d. Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

e. Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This paragraph does not apply to a gift or pledge from a publicly held business corporation.

f. The confidential records described in paragraphs "a" through "e" shall not be construed to make confidential those portions of records disclosing any of the following:

- (1) The amount and date of the donation.
- (2) Any donor-designated use or purpose of the donation.
- (3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

g. Except as provided in paragraphs "a" through "f", portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to this chapter.

This subsection does not apply to a report filed with the ethics and campaign disclosure board pursuant to section 8.7.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2706, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor