

APR 7 2005
Place On Calendar

HOUSE FILE 846
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HF 486)

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

A BILL FOR

1 An Act relating to employment and improper influence ethics
2 issues for executive branch officials and employees, and
3 making penalties applicable.

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

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HF 846

1 Section 1. NEW SECTION. 8.7 REPORTING OF GIFTS RECEIVED.

2 All gifts, bequests, and grants received by a department or
3 accepted by the governor on behalf of the state shall be
4 reported to the Iowa ethics and campaign disclosure board and
5 the government oversight committees. The ethics and campaign
6 disclosure board shall, by January 31 of each year, submit to
7 the fiscal services division of the legislative services
8 agency a written report listing all gifts, bequests, and
9 grants received during the previous calendar year with a value
10 over one thousand dollars and the purpose for each such gift,
11 bequest, or grant. The submission shall also include a
12 listing of all gifts, bequests, and grants received by a
13 department from a person if the cumulative value of all gifts,
14 bequests, and grants received by the department from the
15 person during the previous calendar year exceeds one thousand
16 dollars, and the ethics and campaign disclosure board shall
17 include, if available, the purpose for each such gift,
18 bequest, or grant.

19 Sec. 2. NEW SECTION. 68B.22A IMPROPER INFLUENCE.

20 1. An official or state employee shall not solicit or
21 accept anything of value for the benefit of any state agency
22 given pursuant to an understanding or arrangement that the
23 thing of value will influence the act, vote, opinion,
24 judgment, decision, or exercise of discretion of the person
25 with respect to the person's services provided as an official
26 or state employee.

27 2. This section shall not apply to the application for or
28 receipt of a grant obtained through a bona fide written grant
29 application process. This section shall not apply to
30 institutions under the control of the state board of regents
31 or the state historical society of Iowa. This section shall
32 not apply to gifts of real property accepted by the department
33 of natural resources which restrict the use of the real
34 property to the departmental mission and management
35 objectives.

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EXPLANATION

2 This bill requires that all gifts, bequests, and grants
3 received by a department of the state or accepted by the
4 governor on behalf of the state shall be reported to the Iowa
5 ethics and campaign disclosure board and the government
6 oversight committees. The board is then required to submit by
7 January 31 of each year a written report to the fiscal
8 division of the legislative services agency listing, for the
9 previous calendar year, all gifts received of over \$1,000 and
10 all gifts received by a particular state department from a
11 person if the cumulative value of the gifts received from the
12 person is over \$1,000. The bill also requires that the
13 purpose of each gift received and reported be included, if
14 available, in the report.

15 The bill also prohibits a state government official or
16 employee from soliciting or accepting anything of value for
17 the benefit of a state agency, if there is an understanding or
18 arrangement that the thing of value will influence any action
19 taken by the state official or employee concerning that
20 official's or employee's governmental duties or
21 responsibilities. The restriction does not apply to the
22 application for or receipt of a grant through a bona fide
23 grant process. The restriction also does not apply to
24 institutions under the control of the board of regents or the
25 historical society. The restriction does not apply to certain
26 gifts of real property to the department of natural resources.

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H-1394

1 Amend House File 846 as follows:
2 1. Page 1, line 18, by inserting after the word
3 "grant." the following: "However, reports on gifts,
4 grants, or bequests filed by the state board of
5 regents pursuant to section 8.44 shall be deemed
6 sufficient to comply with the requirements of this
7 section."

By RAECKER of Polk

H-1394 FILED APRIL 18, 2005