

House Study Bill 66

SENATE/HOUSE FILE _____
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 governmental ethics and the duties of the Iowa
2 ethics and campaign disclosure board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1187DP 81
5 tm/gg/14

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1 1 Section 1. Section 68B.1, Code 2005, is amended to read as
1 2 follows:

1 3 68B.1 TITLE OF ACT.

1 4 This chapter shall be known as the "~~Iowa Public Officials~~
1 5 Government Ethics and Lobbying Act".

1 6 Sec. 2. Section 68B.2, subsections 1 and 2, Code 2005, are
1 7 amended to read as follows:

1 8 1. "Agency" means a department, division, board,
1 9 commission, bureau, authority, or office of the executive or
1 10 legislative branch of state government, the office of attorney
1 11 general, the state board of regents, community colleges, and
1 12 the office of the governor, including a regulatory agency, or
1 13 any department, division, board, commission, bureau, or office
1 14 of a political subdivision of the state, but does not include
1 15 any agricultural commodity promotional board, which is subject
1 16 to a producer referendum.

1 17 2. "Agency of state government" or "state agency" means a
1 18 department, division, board, commission, bureau, authority, or
1 19 office of the executive or legislative branch of state
1 20 government, the office of attorney general, the state board of
1 21 regents, community colleges, and the office of the governor,
1 22 including a regulatory agency, but does not include any
1 23 agricultural commodity promotional board, which is subject to
1 24 a producer referendum.

1 25 Sec. 3. Section 68B.4, unnumbered paragraph 2, Code 2005,
1 26 is amended to read as follows:

1 27 The board shall adopt rules specifying the method by which
1 28 employees may obtain agency consent under this section. ~~Each~~
1 29 ~~regulatory agency~~ The board shall adopt rules specifying the
1 30 method by which officials may obtain agency consent under this
1 31 section. A regulatory agency granting consent under this
1 32 section shall file a copy of the consent with the board within
1 33 twenty days of the consent being granted.

1 34 Sec. 4. Section 68B.4B, unnumbered paragraph 1, Code 2005,
1 35 is amended to read as follows:

2 1 A permanent full-time member of the office of the governor
2 2 shall not sell, either directly or indirectly, any goods or
2 3 services to ~~individuals, associations, or corporations which~~
2 4 ~~employ persons who are registered lobbyists~~ a registered
2 5 lobbyist before the general assembly or the executive branch
2 6 or to an individual, association, or corporation which employs
2 7 a person who is a registered lobbyist before the general
2 8 assembly or the executive branch, except when the member of
2 9 the office of the governor has met all of the following
2 10 conditions:

2 11 Sec. 5. Section 68B.22, subsection 4, paragraphs i and r,
2 12 Code 2005, are amended to read as follows:

2 13 i. Nonmonetary items with a value of three dollars or less
2 14 that are received from any one donor during one calendar day,
2 15 ~~except that a disclosure report shall be filed if paragraph~~
2 16 ~~"r" is applicable.~~

2 17 r. Gifts of food, beverage, and entertainment received by
2 18 public officials or public employees at a ~~reception function~~

2 19 where every member of the general assembly has been invited to
2 20 attend, when the ~~reception function~~ takes place during a
2 21 regular session of the general assembly. A sponsor of a
2 22 ~~reception function~~ under this paragraph shall file a report
2 23 disclosing the total amount expended, including in-kind
2 24 expenditures, on food, beverage, and entertainment for the
2 25 ~~reception function. A disclosure report shall be filed~~
2 26 ~~regardless of whether or not the per person cost of the~~
2 27 ~~function exceeds three dollars.~~ The report shall be filed
2 28 with the secretary of the senate, the chief clerk of the
2 29 house, and the board within five business days following the
2 30 date of the ~~reception function~~.

2 31 Sec. 6. Section 68B.32A, subsections 3, 5, 11, and 12,
2 32 Code 2005, are amended to read as follows:

2 33 3. Review the contents of all campaign finance disclosure
2 34 reports and statements filed with the board and promptly
2 35 advise each person or committee of errors found. The board
3 1 may verify information contained in the reports with other
3 2 parties to assure accurate disclosure. The board may also
3 3 verify information by requesting that a candidate or committee
3 4 produce copies of receipts, bills, logbooks, or other
3 5 memoranda of reimbursements of expenses to a candidate for
3 6 expenses incurred during a campaign. The board, upon its own
3 7 motion, may initiate action and conduct a hearing relating to
3 8 requirements under chapter 68A. ~~The board may require a~~
3 9 ~~county commissioner of elections to periodically file summary~~
3 10 ~~reports with the board.~~

3 11 5. Prepare and publish a manual setting forth examples of
3 12 approved uniform systems of accounts and approved methods of
3 13 disclosure for use by persons required to file statements and
3 14 reports under this chapter and chapter 68A. The board shall
3 15 also prepare and publish other educational materials, and any
3 16 other reports or materials deemed appropriate by the board.
3 17 The board shall annually provide all officials and state
3 18 employees with notification of the contents of this chapter
3 19 and chapter 68A by distributing copies of educational
3 20 materials to ~~associations that represent the interests of the~~
3 21 ~~various governmental entities for dissemination to their~~
3 22 ~~membership each agency of state government under the board's~~
3 23 ~~jurisdiction.~~

3 24 11. Establish a procedure for requesting and issuing board
3 25 advisory opinions to persons subject to the authority of the
3 26 board under this chapter or chapter 68A. Local officials and
3 27 local employees may also seek an advisory opinion concerning
3 28 the application of the applicable provisions of this chapter.
3 29 Advice contained in board advisory opinions shall, if
3 30 followed, constitute a defense to a complaint ~~filed with the~~
3 31 ~~board~~ alleging a violation of this chapter, chapter 68A, or
3 32 rules of the board that is based on the same facts and
3 33 circumstances.

3 34 12. Establish rules relating to ethical conduct for
3 35 ~~persons holding a state office in the executive branch of~~
4 1 ~~state government, including candidates, and for employees of~~
4 2 ~~the executive branch of state government officials and state~~
4 3 ~~employees, including candidates for statewide office, and~~
4 4 regulations governing the conduct of lobbyists of the
4 5 executive branch of state government, including but not
4 6 limited to conflicts of interest, abuse of office, misuse of
4 7 public property, use of confidential information,
4 8 participation in matters in which an official or state
4 9 employee has a financial interest, and rejection of improper
4 10 offers.

4 11 EXPLANATION

4 12 This bill relates to governmental ethics and the duties of
4 13 the Iowa ethics and campaign disclosure board.

4 14 The bill provides that Code chapter 68B shall be known as
4 15 the government ethics and lobbying Act.

4 16 The bill adds the term "authority" to the defined terms
4 17 "agency" and "agency of state government".

4 18 Code section 68B.4 provides a general prohibition against
4 19 an official or employee of any regulatory agency from selling
4 20 any goods or services to individuals, associations, or
4 21 corporations subject to the regulatory authority of the agency
4 22 of which the person is an official or employee, unless certain
4 23 conditions relating to consent are met. Currently, each
4 24 regulatory agency adopts rules specifying the method by which
4 25 officials may obtain agency consent. The bill transfers the
4 26 authority to adopt such rules to the ethics and campaign
4 27 disclosure board.

4 28 The bill provides that a permanent full-time member of the
4 29 office of the governor shall not sell, either directly or

4 30 indirectly, any goods or services to a registered lobbyist
4 31 before the general assembly or the executive branch except
4 32 when certain conditions are met.

4 33 Under the exceptions to the general gift law prohibition, a
4 34 restricted donor must file a disclosure report for gifts of
4 35 food, beverage, and entertainment received by public officials
5 1 or public employees at a reception where every member of the
5 2 general assembly has been invited to attend, when the
5 3 reception takes place during a regular session of the general
5 4 assembly. The bill changes the term "reception" to "function"
5 5 and requires that the disclosure report be filed whether or
5 6 not the per person cost of the function exceeds \$3.

5 7 The bill amends certain provisions of Code section 68B.32A,
5 8 which relates to the duties of the ethics and campaign
5 9 disclosure board. The bill eliminates the authority of the
5 10 board to require a county commissioner of elections to
5 11 periodically file summary reports with the board. The bill
5 12 requires the board to distribute educational materials
5 13 regarding ethics and campaign finance laws to each agency of
5 14 state government under the board's jurisdiction.

5 15 Currently, the ethics and campaign disclosure board
5 16 establishes rules for ethical conduct for persons holding a
5 17 state office in the executive branch of state government,
5 18 including candidates, and for employees of the executive
5 19 branch of state government. The bill modifies persons for
5 20 whom the rules are established to officials and state
5 21 employees, including candidates for statewide office. The
5 22 term "officials" means all statewide elected officials, the
5 23 executive or administrative head or heads of an agency of
5 24 state government, the deputy executive or administrative head
5 25 or heads of an agency of state government, members of boards
5 26 or commissions as defined under Code section 7E.4, and heads
5 27 of the major subunits of departments or independent state
5 28 agencies whose positions involve a substantial exercise of
5 29 administrative discretion or the expenditure of public funds
5 30 as defined under rules of the board adopted in consultation
5 31 with the department or agency. "Official" does not include
5 32 officers or employees of political subdivisions of the state,
5 33 members of the general assembly, legislative employees,
5 34 officers or employees of the judicial branch of government who
5 35 are not members or employees of the office of attorney
6 1 general, members of state government entities which are or
6 2 exercise the same type of authority that is exercised by
6 3 councils or committees as defined under Code section 7E.4, or
6 4 members of any agricultural commodity promotional board, if
6 5 the board is subject to a producer referendum. The term
6 6 "state employee" means a person who is not an official and is
6 7 a paid employee of the state of Iowa and does not include an
6 8 independent contractor, an employee of the judicial branch who
6 9 is not an employee of the office of attorney general, an
6 10 employee of the general assembly, an employee of a political
6 11 subdivision of the state, or an employee of any agricultural
6 12 commodity promotional board, if the board is subject to a
6 13 producer referendum.

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