

House Study Bill 533 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ETHICS AND
CAMPAIGN DISCLOSURE BOARD
BILL)

A BILL FOR

1 An Act relating to ethics regulations for the executive branch,
2 legislative branch, and local officials and employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.2, subsection 11, Code 2009, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. An advisory opinion of the Iowa ethics
4 and campaign disclosure board.

5 Sec. 2. Section 68B.3, subsection 1, Code 2009, is amended
6 to read as follows:

7 1. ~~An~~ Except as part of official state duties, an official,
8 a state employee, a member of the general assembly, or a
9 legislative employee shall not sell, in any one occurrence,
10 any goods or services having a value in excess of two thousand
11 dollars to any state agency unless the sale is made pursuant to
12 an award or contract let after public notice and competitive
13 bidding.

14 Sec. 3. Section 68B.3, Code 2009, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 5. Except when performing official state
17 duties, an official or a state employee making a permissible
18 sale under this section shall file a report with the board
19 within twenty days of making the sale. The report shall
20 include but not be limited to the parties to the sale, the date
21 of the sale, the total amount of the sale, and the type of goods
22 or services being sold.

23 Sec. 4. Section 68B.32A, subsections 5 and 9, Code
24 Supplement 2009, are amended to read as follows:

25 5. ~~Receive and file registration~~ all registrations and
26 ~~reports from lobbyists of the executive branch of state~~
27 ~~government, client disclosure from clients of lobbyists of~~
28 ~~the executive branch of state government, personal financial~~
29 ~~disclosure information from officials and employees in the~~
30 ~~executive branch of state government who are required to file~~
31 ~~personal financial disclosure information under~~ that are
32 required to be filed with the board under this chapter, and
33 ~~gift and bequest disclosure information pursuant to~~ or section
34 8.7. The board, upon its own motion, may initiate
35 action, and ~~conduct a hearing~~ hearings, impose sanctions,

1 and order administrative resolutions relating to reporting
2 requirements under this chapter or section 8.7.

3 9. Establish and impose penalties, and recommendations
4 for punishment of persons who are subject to penalties of or
5 punishment by the board or by other bodies, for the failure to
6 comply with the requirements of this chapter, chapter 68A, or
7 section 8.7. Unless the imposition of the penalty is waived
8 by the board or is otherwise reversed on judicial review, the
9 board shall receive and retain ten percent of any civil penalty
10 imposed by the board which shall be considered repayment
11 receipts as defined in section 8.2.

12 Sec. 5. Section 68B.32A, Code Supplement 2009, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 19. Impose penalties upon, or refer matters
15 relating to, persons who provide false information to the board
16 during a board investigation of a potential violation of this
17 chapter, chapter 68A, section 8.7, or rules of the board. The
18 board shall adopt rules to administer this subsection.

19 EXPLANATION

20 This bill relates to ethics regulations for the executive
21 branch, legislative branch, and local officials and employees.

22 The bill adds an opinion of the ethics and campaign
23 disclosure board to the list of exceptions that are not
24 considered an administrative rule under the definition of
25 "rule" as defined in Code chapter 17A.

26 Currently, there are restrictions on the ability of an
27 official, a state employee, a member of the general assembly,
28 or a legislative employee to sell goods or services of a
29 certain value to any state agency unless the sale is made
30 pursuant to an award or contract let after public notice and
31 competitive bidding. The bill provides that an official,
32 a state employee, a member of the general assembly, or a
33 legislative employee may sell such goods or services if the
34 sale is conducted as part of the official duties of the person.
35 The bill also provides that an official or an employee of the

1 executive branch making such a sale shall file a report with
2 the ethics and campaign disclosure board within 20 days of
3 making the sale.

4 The bill provides that the ethics and campaign disclosure
5 board shall receive all registrations and reports required to
6 be filed with the board under Code chapter 68B and Code section
7 8.7. The bill provides that the board, under its own motion,
8 may initiate action, conduct hearings, impose sanctions,
9 and order administrative resolutions relating to reporting
10 requirements.

11 The bill provides that the ethics and campaign disclosure
12 board may receive and retain 10 percent of any civil penalty
13 imposed by the board which shall be considered repayment
14 receipts.

15 The bill allows the ethics and campaign disclosure board to
16 impose penalties upon, or refer matters relating to, persons
17 who provide false information to the board during a board
18 investigation of a potential violation. The board is given
19 rulemaking authority to administer this penalty provision.