

House File 2354 - Introduced

HOUSE FILE 2354

BY JACOBSEN

A BILL FOR

1 An Act relating to permissible honoraria from restricted
2 donors to public officials and public employees, requiring
3 reporting to the Iowa ethics and campaign disclosure board,
4 and making penalties applicable.

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

1 Section 1. Section 68B.23, subsection 2, paragraph a, Code
2 2020, is amended to read as follows:

3 a. The honorarium consists of payment, not to exceed four
4 hundred ninety-nine dollars per day, of actual expenses of a
5 donee for registration, food, beverages, travel, and lodging
6 paid in return for participation in a panel or speaking
7 engagement at a meeting when the expenses relate directly to
8 the day or days on which the recipient has participation or
9 presentation responsibilities.

10 Sec. 2. Section 68B.23, Code 2020, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3. A restricted donor that provides and a
13 public official or public employee that accepts an honorarium
14 pursuant to subsection 2 shall each file a report with the
15 board describing the honorarium within twenty days of providing
16 or accepting the honorarium. Each report must describe
17 and state an aggregate value of all payments, services, and
18 property provided or accepted. The board shall make all
19 reports submitted under this subsection available on the
20 internet site.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to permissible honoraria from restricted
25 donors to public officials and public employees.

26 Under Code chapter 68B (government ethics and lobbying),
27 a public official or public employee is prohibited from
28 seeking or accepting an honorarium from a restricted donor,
29 subject to certain exceptions. One such exception permits a
30 public official or public employee to accept an honorarium if
31 the honorarium consists of payment for the public official
32 or public employee's actual expenses for registration,
33 food, beverages, travel, and lodging paid in return for
34 participation in a panel or speaking engagement when the
35 expenses relate directly to the day or days on which the public

1 official or public employee has participation or presentation
2 responsibilities. The bill provides that a public official or
3 public employee may not accept an honorarium that is payment
4 for actual expenses in exchange for a panel or speaking
5 engagement if the payment exceeds \$499 per day.

6 Current law provides two further exceptions to the
7 prohibition on a public official or public employee from
8 accepting an honorarium. First, if the honorarium consists
9 of a nonmonetary item that the public official or public
10 employee donates within 30 days to a public body, a bona fide
11 educational or charitable organization, or the department of
12 administrative services. Second, if the honorarium consists
13 of a payment made to a public official or public employee for
14 services rendered as part of a bona fide private business in
15 which the public official or public employee is engaged if the
16 payment is commensurate with the actual services rendered and
17 is not being made because of the person's status as a public
18 official or public employee.

19 The bill requires a public official or public employee who
20 accepts an honorarium under any of these exceptions to, within
21 20 days of doing so, file a report with the ethics and campaign
22 disclosure board which describes and states an aggregate
23 value of all payments, services, and property accepted. The
24 bill likewise requires the restricted donor who provided the
25 honorarium to file a report containing the same information
26 with the ethics and campaign disclosure board. The ethics and
27 campaign disclosure board must then make the reports available
28 on the board's internet site.

29 A knowing and intentional violation of the limitations on
30 accepting an honorarium or failing to file a report required by
31 the bill is a serious misdemeanor. A serious misdemeanor is
32 punishable by confinement for no more than one year and a fine
33 of at least \$315 but not more than \$1,875.

34 In addition, a person who accepts an honorarium in violation
35 of Code chapter 68B or fails to file a report required by the

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1 bill is subject to civil penalties or disciplinary action
2 issued by the ethics and campaign disclosure board and to
3 disciplinary action taken by the ethics committees of the
4 senate and house of representatives.