

House File 491 - Introduced

HOUSE FILE 491
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 152)

A BILL FOR

1 An Act relating to the sale or lease of real estate by
2 regulatory agency officials and employees to persons subject
3 to the agency's regulatory authority, and making penalties
4 applicable.

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

1 Section 1. Section 68B.4, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. An official or employee of any regulatory agency shall
4 not sell or lease, either directly or indirectly, any goods,
5 real estate, or services to individuals, associations, or
6 corporations subject to the regulatory authority of the agency
7 of which the person is an official or employee, except when the
8 official or employee has met all of the following conditions:

9 a. The consent of the regulatory agency for which the
10 person is an official or employee is obtained and the person is
11 not the official or employee with the authority to determine
12 whether agency consent is to be given under [this section](#).

13 b. The duties or functions performed by the official
14 or employee for the regulatory agency are not related to
15 the regulatory authority of the agency over the individual,
16 association, or corporation, or the selling or leasing of
17 goods, real estate, or services by the official or employee
18 to the individuals, associations, or corporations does not
19 affect the official's or employee's duties or functions at the
20 regulatory agency.

21 c. The selling or leasing of any goods, real estate,
22 or services by the official or employee to an individual,
23 association, or corporation does not include advocacy on
24 behalf of the individual, association, or corporation to
25 the regulatory agency in which the person is an official or
26 employee.

27 d. The selling or leasing of any goods, real estate,
28 or services by the official or employee to an individual,
29 association, or corporation does not cause the official or
30 employee to sell or lease goods, real estate, or services to
31 the regulatory agency on behalf of the individual, association,
32 or corporation.

33

EXPLANATION

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

1 This bill relates to governmental ethics by prohibiting
2 state regulatory agency officials and employees from selling
3 or leasing real estate to persons subject to the agency's
4 regulatory authority unless certain conditions are met.

5 Under current law, officials and employees of state
6 regulatory agencies are prohibited from selling or leasing
7 goods or services to individuals, associations, or corporations
8 subject to the agency authority of which the person is an
9 official or employee. However, this prohibition does not apply
10 if consent for such sale or lease is obtained from the agency
11 consistent with rules adopted by the Iowa ethics and campaign
12 disclosure board; if the official's or employee's agency duties
13 are not related to the regulatory authority of the agency over
14 the individual, association, or corporation; if the selling or
15 leasing of the goods or services does not include advocacy on
16 behalf of the individual, association, or corporation to the
17 agency; and if the selling or leasing of the goods or services
18 does not cause the official or employee to sell or lease
19 goods or services to the agency on behalf of the individual,
20 association, or corporation. The bill extends this prohibition
21 and the exception to the sale or lease of real estate.

22 A person who knowingly and intentionally violates the bill
23 is guilty of a serious misdemeanor and may be reprimanded,
24 suspended, or dismissed from the person's position or otherwise
25 sanctioned. A serious misdemeanor is punishable by confinement
26 for no more than one year and a fine of at least \$430 but not
27 more than \$2,560.