

CHAPTER 1091

REGULATION OF GOVERNMENT ETHICS AND LOBBYING

S.F. 2179

AN ACT relating to ethics laws and the Iowa ethics and campaign disclosure board.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13.2, Code 2003, is amended by adding the following new unnumbered paragraph after subsection 14:

NEW UNNUMBERED PARAGRAPH. Executing the duties of this section shall not be deemed a violation of section 68B.6.

Sec. 2. Section 13B.4, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Executing the duties of this section shall not be deemed a violation of section 68B.6.

Sec. 3. Section 22.7, subsection 29, Code Supplement 2003, is amended to read as follows:

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section ~~68B.34~~ 68B.31A. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 is not a confidential record unless otherwise provided by law.

Sec. 4. Section 68B.2, subsection 23, Code Supplement 2003, is amended to read as follows:

23. "Regulatory agency" means the department of agriculture and land stewardship, department of workforce development, department of commerce, Iowa department of public health, department of public safety, department of education, state board of regents, department of human services, department of revenue, department of inspections and appeals, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, Iowa ethics and campaign disclosure board, and department of natural resources.

Sec. 5. Section 68B.4, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

~~The department of administrative services board~~ shall adopt rules specifying the method by which employees may obtain agency consent under this section. Each regulatory agency shall adopt rules specifying the method by which officials may obtain agency consent under this section. A regulatory agency granting consent under this section shall file a copy of the consent with the board within twenty days of the consent being granted.

Sec. 6. Section 68B.4B, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A permanent full-time member of the office of the governor shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly or the executive branch, except when the member of the office of the governor has met all of the following conditions:

Sec. 7. Section 68B.4B, subsection 1, Code 2003, is amended to read as follows:

1. The consent of the person or persons responsible for hiring or approving the hiring of the member of the office of the governor is obtained. A copy of the consent shall be filed with the board within twenty days of the consent being granted.

Sec. 8. Section 68B.6, subsection 1, Code 2003, is amended to read as follows:

1. ~~All statewide elected officials, the executive or administrative head or heads of an agency of state government, the deputy executive or administrative head or heads of an agency of state government, the heads of the major subunits of departments or independent state agencies whose positions involve a substantial exercise of administrative discretion or the expenditure of public funds as defined under rules of the board, in consultation with the department or agency, under chapter 17A, state employees, or Officials, except for members of boards or commissions as defined under section 7E.4, state employees, and legislative employees shall not receive, directly or indirectly, or enter into any express or implied agreement for, any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.~~

Sec. 9. NEW SECTION. 68B.31A INVESTIGATION BY INDEPENDENT SPECIAL COUNSEL — PROBABLE CAUSE.

The purpose of an investigation by the independent special counsel is to determine whether there is probable cause to proceed with an adjudicatory hearing on the matter. In conducting investigations and holding hearings, the independent special counsel may require by subpoena the attendance and testimony of witnesses and may subpoena books, papers, records, and any other real evidence relating to the matter before the independent special counsel. The independent special counsel shall have the additional authority provided in section 17A.13. If the independent special counsel determines at any stage in the proceedings that take place prior to hearing that the complaint is without merit, the independent special counsel shall report that determination to the appropriate ethics committee and the complaint shall be dismissed and the complainant and the party charged shall be notified. If, after investigation, the independent special counsel determines evidence exists which, if proven, would support a finding of a violation of this chapter, a finding of probable cause shall be made and reported to the ethics committee, and a hearing shall be ordered by the ethics committee as provided in section 68B.31. Independent special counsel investigations are not meetings of a governmental body within the meaning of chapter 21, and records and information obtained by independent special counsel during investigations are confidential until disclosed to a legislative ethics committee under section 68B.31.

Sec. 10. Section 68B.32A, subsection 11, Code Supplement 2003, is amended to read as follows:

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

Sec. 11. Section 68B.35, subsection 2, paragraph e, Code Supplement 2003, is amended to read as follows:

e. Members of the banking board, the ethics and campaign disclosure board, the credit union review board, the economic development board, the employment appeal board, the environmental protection commission, the health facilities council, the Iowa finance authority, the Iowa public employees' retirement system investment board, the board of the Iowa lottery authority, the natural resource commission, the board of parole, the petroleum underground storage tank fund board, the public employment relations board, the state racing and gaming commission, the state board of regents, the tax review board, the transportation commission,

the office of consumer advocate, the utilities board, the Iowa telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. The Iowa ethics and campaign disclosure board shall conduct an annual review to determine if members of any other board, commission, or authority should file a statement and shall require the filing of a statement pursuant to rules adopted pursuant to chapter 17A.

Sec. 12. Section 68B.35A, Code 2003, is amended to read as follows:

68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE OFFICIALS AND EMPLOYEES — PUBLIC INTERNET ACCESS.

Personal financial disclosure statements filed with ~~the board and the chief clerk of the house, or the secretary of the senate, or other appropriate person or body~~ shall be recorded on the legislative internet website or copies of the personal financial disclosure statements shall be forwarded to the secretary of state for the recording of the information through electronic means on an internet website. The board and the general assembly shall execute agreements with the secretary of state which provide for public access to and copying of the information, and include a site in the board offices for public viewing and copying of information, contained in personal financial disclosure statements filed with the board and the chief clerk of the house, secretary of the senate, or other appropriate person or body. The board shall record personal financial disclosure statements filed with the board on an internet website.

Sec. 13. Section 68B.38, Code Supplement 2003, is amended to read as follows:

68B.38 LOBBYIST'S CLIENT REPORTING.

1. a. On or before July 1 ~~31~~ of each year, a lobbyist's client shall file with the general assembly or board a report that contains information on all salaries, fees, ~~and retainers, and reimbursement of expenses paid or anticipated to be paid~~ by the lobbyist's client to the lobbyist for lobbying purposes during the preceding twelve calendar months, concluding on June 30 of each year.

b. ~~2.~~ Reports by a lobbyist's clients shall be filed with the same entity with which the lobbyist filed the lobbyist's registration.

~~2. a. The report shall include a cumulative total of all salaries, fees, retainers, and reimbursements of expenses paid to the lobbyist for lobbying activities during the preceding calendar year.~~

b. ~~3.~~ The secretary of the senate, chief clerk of the house, and the board shall develop forms to implement this section.

Sec. 14. Section 68B.34, Code 2003, is repealed.

Approved April 20, 2004