

FEB 9 2005
Place On Calendar

HOUSE FILE 253
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 66)

Passed House, Date 2-14-05 Passed Senate, Date 4-20-05
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0
Re-passed Approved 4/29/05
4-21-05 100-0

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:

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HF 253

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

3 68B.1 TITLE OF ACT.

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

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

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

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

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

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

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

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

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

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

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

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

33 3. Review the contents of all campaign finance disclosure
34 reports and statements filed with the board and promptly
35 advise each person or committee of errors found. The board

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

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

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

34 12. Establish rules relating to ethical conduct for
35 ~~persons holding a state office in the executive branch of~~

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

11 EXPLANATION

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

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

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

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

28 The bill provides that a permanent full-time member of the
29 office of the governor shall not sell, either directly or
30 indirectly, any goods or services to a registered lobbyist
31 before the general assembly or the executive branch except
32 when certain conditions are met.

33 Under the exceptions to the general gift law prohibition, a
34 restricted donor must file a disclosure report for gifts of
35 food, beverage, and entertainment received by public officials

1 or public employees at a reception where every member of the
2 general assembly has been invited to attend, when the
3 reception takes place during a regular session of the general
4 assembly. The bill changes the term "reception" to "function"
5 and requires that the disclosure report be filed whether or
6 not the per person cost of the function exceeds \$3.

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

15 Currently, the ethics and campaign disclosure board
16 establishes rules for ethical conduct for persons holding a
17 state office in the executive branch of state government,
18 including candidates, and for employees of the executive
19 branch of state government. The bill modifies persons for
20 whom the rules are established to officials and state
21 employees, including candidates for statewide office. The
22 term "officials" means all statewide elected officials, the
23 executive or administrative head or heads of an agency of
24 state government, the deputy executive or administrative head
25 or heads of an agency of state government, members of boards
26 or commissions as defined under Code section 7E.4, and heads
27 of the major subunits of departments or independent state
28 agencies whose positions involve a substantial exercise of
29 administrative discretion or the expenditure of public funds
30 as defined under rules of the board adopted in consultation
31 with the department or agency. "Official" does not include
32 officers or employees of political subdivisions of the state,
33 members of the general assembly, legislative employees,
34 officers or employees of the judicial branch of government who
35 are not members or employees of the office of attorney

1 general, members of state government entities which are or
2 exercise the same type of authority that is exercised by
3 councils or committees as defined under Code section 7E.4, or
4 members of any agricultural commodity promotional board, if
5 the board is subject to a producer referendum. The term
6 "state employee" means a person who is not an official and is
7 a paid employee of the state of Iowa and does not include an
8 independent contractor, an employee of the judicial branch who
9 is not an employee of the office of attorney general, an
10 employee of the general assembly, an employee of a political
11 subdivision of the state, or an employee of any agricultural
12 commodity promotional board, if the board is subject to a
13 producer referendum.

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HOUSE FILE 253

S-3088

1 Amend House File 253, as passed by the House, as
2 follows:

3 1. Page 2, by striking lines 11 through 30 and
4 inserting the following:

5 "Sec. _____. Section 68B.22, subsection 4, paragraph
6 r, Code 2005, is amended to read as follows:

7 r. Gifts of food, beverage, and entertainment
8 received by public officials or public employees at a
9 ~~reception function~~ where every member of the general
10 assembly has been invited to attend, when the
11 ~~reception function~~ takes place during a regular
12 session of the general assembly. A sponsor of a
13 ~~reception function~~ under this paragraph shall file a
14 report disclosing the total amount expended, including
15 in-kind expenditures, on food, beverage, and
16 entertainment for the ~~reception function~~. The report
17 shall be filed with the person or persons designated
18 by the secretary of the senate, and the chief clerk of
19 the house, and the board within five business days
20 following the date of the ~~reception function~~. The
21 person or persons designated by the secretary of the
22 senate and the chief clerk of the house shall forward
23 a copy of each report to the board."

24 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT

WALLY E. HORN, CO-CHAIRPERSON

LARRY MCKIBBEN, CO-CHAIRPERSON

S-3088 FILED APRIL 5, 2005

HOUSE FILE 253

S-3143

1 Amend House File 253, as passed by the House, as
2 follows:

3 1. Page 4, by inserting after line 10 the
4 following:

5 "Sec. _____. Section 68B.38, subsection 1, Code
6 2005, is amended to read as follows:

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

15 b. The report filed on or before January 31, 2006,
16 shall include information for the time period
17 commencing on July 1, 2004, and ending on December 31,
18 2005. This paragraph is repealed July 1, 2006."

19 2. By renumbering as necessary.

By DOUG SHULL

S-3143 FILED APRIL 19, 2005

SENATE AMENDMENT TO
HOUSE FILE 253

H-1436

1 Amend House File 253, as passed by the House, as
2 follows:
3 1. Page 2, by striking lines 11 through 30 and
4 inserting the following:
5 "Sec. ____ . Section 68B.22, subsection 4, paragraph
6 r, Code 2005, is amended to read as follows:
7 r. Gifts of food, beverage, and entertainment
8 received by public officials or public employees at a
9 ~~reception~~ function where every member of the general
10 assembly has been invited to attend, when the
11 ~~reception~~ function takes place during a regular
12 session of the general assembly. A sponsor of a
13 ~~reception~~ function under this paragraph shall file a
14 report disclosing the total amount expended, including
15 in-kind expenditures, on food, beverage, and
16 entertainment for the ~~reception~~ function. The report
17 shall be filed with the person or persons designated
18 by the secretary of the senate, and the chief clerk of
19 the house, and the board within five business days
20 following the date of the ~~reception~~ function. The
21 person or persons designated by the secretary of the
22 senate and the chief clerk of the house shall forward
23 a copy of each report to the board."
24 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1436 FILED APRIL 20, 2005

Chair: Raecker
Roberts
T. Taylor

Submitted By HSB 66
SF 0253 STATE GOVERNMENT

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:

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1 Section 1. Section 68B.1, Code 2005, is amended to read as
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3 68B.1 TITLE OF ACT.

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

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

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

17 2. "Agency of state government" or "state agency" means a
18 department, division, board, commission, bureau, authority, or
19 office of the executive or legislative branch of state
20 government, the office of attorney general, the state board of
21 regents, community colleges, and the office of the governor,
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23 agricultural commodity promotional board, which is subject to
24 a producer referendum.

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

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

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

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

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

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

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

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

33 3. Review the contents of all campaign finance disclosure
34 reports and statements filed with the board and promptly
35 advise each person or committee of errors found. The board

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

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

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

34 12. Establish rules relating to ethical conduct for
35 ~~persons holding a state office in the executive branch of~~

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

11

EXPLANATION

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

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

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

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

28 The bill provides that a permanent full-time member of the
29 office of the governor shall not sell, either directly or
30 indirectly, any goods or services to a registered lobbyist
31 before the general assembly or the executive branch except
32 when certain conditions are met.

33 Under the exceptions to the general gift law prohibition, a
34 restricted donor must file a disclosure report for gifts of
35 food, beverage, and entertainment received by public officials

1 or public employees at a reception where every member of the
2 general assembly has been invited to attend, when the
3 reception takes place during a regular session of the general
4 assembly. The bill changes the term "reception" to "function"
5 and requires that the disclosure report be filed whether or
6 not the per person cost of the function exceeds \$3.

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

15 Currently, the ethics and campaign disclosure board
16 establishes rules for ethical conduct for persons holding a
17 state office in the executive branch of state government,
18 including candidates, and for employees of the executive
19 branch of state government. The bill modifies persons for
20 whom the rules are established to officials and state
21 employees, including candidates for statewide office. The
22 term "officials" means all statewide elected officials, the
23 executive or administrative head or heads of an agency of
24 state government, the deputy executive or administrative head
25 or heads of an agency of state government, members of boards
26 or commissions as defined under Code section 7E.4, and heads
27 of the major subunits of departments or independent state
28 agencies whose positions involve a substantial exercise of
29 administrative discretion or the expenditure of public funds
30 as defined under rules of the board adopted in consultation
31 with the department or agency. "Official" does not include
32 officers or employees of political subdivisions of the state,
33 members of the general assembly, legislative employees,
34 officers or employees of the judicial branch of government who
35 are not members or employees of the office of attorney

1 general, members of state government entities which are or
2 exercise the same type of authority that is exercised by
3 councils or committees as defined under Code section 7E.4, or
4 members of any agricultural commodity promotional board, if
5 the board is subject to a producer referendum. The term
6 "state employee" means a person who is not an official and is
7 a paid employee of the state of Iowa and does not include an
8 independent contractor, an employee of the judicial branch who
9 is not an employee of the office of attorney general, an
10 employee of the general assembly, an employee of a political
11 subdivision of the state, or an employee of any agricultural
12 commodity promotional board, if the board is subject to a
13 producer referendum.

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IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

An Independent Agency of the Executive Branch

W. CHARLES SMITHSON
Executive Director
& Legal Counsel

510 East 12th, Suite 1A
Des Moines, Iowa 50319
Telephone 515-281-4028/Fax 515-281-3701
www.iowa.gov/ethics

BOARD MEMBERS:
James Albert, Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betty Roe
John Walsh
Patricia Harper

TO: MEMBERS OF 2005 IOWA GENERAL ASSEMBLY
FROM: CHARLIE SMITHSON, ETHICS BOARD DIRECTOR & COUNSEL
DATE: JANUARY 11, 2005
Re: PROPOSED TECHNICAL AMENDMENTS TO ETHICS LAWS

On behalf of the Iowa Ethics and Campaign Disclosure Board, I hereby respectfully submit the Board's 2005 agency bill concerning technical amendments to the ethics/lobbying laws in Iowa Code chapter 68B. The proposals in the bill are for the following purposes:

Section 1 changes the title of the Chapter from "Iowa Public Officials Act" to "Government Ethics and Lobbyist Act."

Section 2 adds "authority" to the definitions of "agency" and "state agency" to clarify that a state authority falls under the ethics laws.

Section 3 requires the Board to draft rules concerning the ability of officials of regulatory agencies to obtain consent to sell goods or services to certain entities. The Board is already mandated to draft such rules concerning employees of regulatory agencies.

Section 4 clarifies that members of the Governor's Office may not sell goods or services to registered lobbyists as well as organizations that hire the lobbyists (with certain exceptions). Currently, the law only prohibits sales to the organization and not to the lobbyist.

Sections 5 clarifies that the \$3.00 gift law does not apply to receptions held during the legislative session when every member of the legislature is invited to attend so long as a report is filed disclosing the total costs of the reception regardless of the per person cost. The word "function" is also inserted in place of "reception" to remove confusion concerning what is a "reception."

Section 6 removes the requirement for a county commissioner of elections to file a report with the Board as the report is no longer necessary, requires the Board to send educational materials to each state agency on an annual basis, and contains cleanup language to make the law easier to read.

HOUSE FILE 253

AN ACT

RELATING TO GOVERNMENTAL ETHICS AND THE DUTIES OF THE IOWA
ETHICS AND CAMPAIGN DISCLOSURE BOARD.

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

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

68B.1 TITLE OF ACT.

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

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

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

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

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

The board shall adopt rules specifying the method by which employees may obtain agency consent under this section. ~~Each regulatory-agency~~ The board 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. 4. Section 68B.4B, unnumbered paragraph 1, Code 2005, 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~~ a registered lobbyist before the general assembly or the executive branch or to an individual, association, or corporation which employs a person who is a registered lobbyist 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. 5. Section 68B.22, subsection 4, paragraph r, Code 2005, is amended to read as follows:

r. Gifts of food, beverage, and entertainment received by public officials or public employees at a reception function where every member of the general assembly has been invited to attend, when the reception function takes place during a regular session of the general assembly. A sponsor of a reception function under this paragraph shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the reception function. The report shall be filed with the person or persons designated by the secretary of the senate, and the chief clerk of the house, and the board within five business days following the date of the reception function. The person or persons designated by the secretary of the senate and the chief clerk of the house shall forward a copy of each report to the board.

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

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

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

11. Establish a procedure for requesting and issuing board advisory opinions 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 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.

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

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 253, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/29, 2005

THOMAS J. VILSACK
Governor