

MAR 1 1 005
Place On Calendar

HOUSE FILE 728
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 326)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the improper influence of executive branch
2 officials, executive branch employees, members of the general
3 assembly, and legislative employees, and making penalties
4 applicable.

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

HOUSE FILE 728

H-1071

1 Amend House File 728 as follows:
2 1. Page 2, lines 3 and 4, by striking the words
3 "institutions under the control of the state board of
4 regents or".

By HUTTER of Scott

H-1071 FILED MARCH 15, 2005

HF-728

HOUSE FILE 728

H-1097

1 Amend House File 728 as follows:
2 1. Page 2, line 4, by striking the word
3 "foundation".

By RAECKER of Polk

H-1097 FILED MARCH 16, 2005

1 Section 1. NEW SECTION. 8.7 REPORTING OF GIFTS RECEIVED.

2 All gifts, bequests, and grants received by a department
3 and accepted by the governor on behalf of the state shall be
4 reported to the Iowa ethics and campaign disclosure board and
5 the government oversight committees. The ethics and campaign
6 disclosure board shall, by January 31 of each year, submit to
7 the fiscal services division of the legislative services
8 agency a written report listing all gifts, bequests, and
9 grants received during the previous calendar year with a value
10 over one thousand dollars and the purpose for each such gift,
11 bequest, or grant. The submission shall also include a
12 listing of all gifts, bequests, and grants received by a
13 department from a person if the cumulative value of all gifts,
14 bequests, and grants received by the department from the
15 person during the previous calendar year exceeds one thousand
16 dollars, and the ethics and campaign disclosure board shall
17 include, if available, the purpose for each such gift,
18 bequest, or grant.

19 Sec. 2. NEW SECTION. 68B.22A IMPROPER INFLUENCE.

20 1. An official or state employee shall not solicit or
21 accept anything of value for the benefit of any state agency
22 given pursuant to an understanding or arrangement that the
23 thing of value will influence the act, vote, opinion,
24 judgment, decision, or exercise of discretion of the person
25 with respect to the person's services provided as an official
26 or state employee.

27 2. A member of the general assembly or legislative
28 employee shall not solicit or accept anything of value for the
29 benefit of the general assembly given pursuant to an
30 understanding or arrangement that the thing of value will
31 influence the act, vote, opinion, judgment, decision, or
32 exercise of discretion of the person with respect to the
33 person's services provided as a member of the general assembly
34 or legislative employee.

35 3. This section shall not apply to the application for or

1 receipt of a grant obtained through a bona fide written grant
2 application process. This section shall not apply to
3 institutions under the control of the state board of regents
4 or the state historical society of Iowa foundation.

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6

EXPLANATION

7 This bill relates to the improper influence of executive
8 branch officials, executive branch employees, members of the
9 general assembly, and legislative employees.

10 The bill creates reporting requirements for all gifts,
11 bequests, and grants received by a department and accepted by
12 the governor on behalf of the state. The bill requires the
13 Iowa ethics and campaign disclosure board to receive the
14 reports and to submit an annual report to the legislative
15 services agency.

16 The bill prohibits an executive branch official, executive
17 branch employee, member of the general assembly, or
18 legislative employee from soliciting or accepting anything of
19 value for the benefit of any state agency or the general
20 assembly, respectively, given pursuant to an understanding or
21 arrangement that the thing of value will influence the act,
22 vote, opinion, judgment, decision, or exercise of discretion
23 of the person with respect to the person's services as an
24 executive branch official, executive branch employee, member
25 of the general assembly, or legislative employee.

26 The bill provides an exception for the application for or
27 receipt of a grant obtained through a bona fide written grant
28 application process and for institutions under the control of
29 the state board of regents or the state historical society of
30 Iowa foundation.

31 Pursuant to Code section 68B.25, a person who knowingly and
32 intentionally violates a provision of the bill relating to
33 improper influence is guilty of a serious misdemeanor and may
34 be reprimanded, suspended, or dismissed from the person's
35 position or otherwise sanctioned. A serious misdemeanor is

S.F. _____ H.F. 728

1 punishable by confinement for no more than one year and a fine
2 of at least \$250 but not more than \$1,500.

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