

FILED FEB 23 2006

SENATE FILE 2270
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3155)

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

A BILL FOR

1 An Act providing for the confidentiality of certain records
2 relating to charitable donations for the benefit of a
3 government body.

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

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SF 2270

1 Section 1. Section 22.7, Code Supplement 2005, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 52. The following records relating to a
4 charitable donation for the benefit of a government body:

5 a. Portions of records that disclose information about a
6 donor's or prospective donor's personal, financial, estate
7 planning, or gift planning matters.

8 b. Records received from a prospective donor regarding
9 such donor's prospective gift or pledge.

10 c. Records containing information about a donor or a
11 prospective donor in regard to the appropriateness of the
12 solicitation and dollar amount of the gift or pledge.

13 d. Portions of records that identify a prospective donor
14 and that provide information on the appropriateness of the
15 solicitation, the form of the gift or dollar amount requested
16 by the solicitor, and the name of the solicitor.

17 e. Portions of records that identify a donor and the
18 specific form of gift or pledge payment schedule, except where
19 a donor authorized or permitted the public disclosure of such
20 information.

21 f. Portions of records disclosing the identity of a donor
22 or prospective donor when such donor has requested anonymity
23 in connection with the gift or pledge.

24 EXPLANATION

25 This bill amends Code section 22.7 by establishing a
26 confidentiality exception to Iowa's public records law for
27 certain records relating to charitable donations for the
28 benefit of a governmental body.

29 The bill provides that records or portions of records that
30 disclose information about a donor's or prospective donor's
31 personal, financial, estate planning, or gift planning
32 matters, records received from a prospective donor regarding
33 such donor's prospective gift or pledge, records containing
34 information about a donor or a prospective donor in regard to
35 the appropriateness of the solicitation and dollar amount of

1 the gift or pledge, records that identify a prospective donor
2 and that provide information on the appropriateness of the
3 solicitation, the form of the gift or dollar amount requested
4 by the solicitor, and the name of the solicitor, records that
5 identify a donor and the specific form of gift or pledge
6 payment schedule, except where a donor authorized or permitted
7 the public disclosure of such information, and records that
8 disclose the identity of a donor or prospective donor when
9 such donor has requested anonymity in connection with the gift
10 or pledge shall be confidential.

11 For purposes of Iowa's open records law, the term
12 "government body" means this state, or any county, city,
13 township, school corporation, political subdivision, tax-
14 supported district, nonprofit corporation other than a fair
15 conducting a fair event as provided in Code chapter 174, whose
16 facilities or indebtedness are supported in whole or in part
17 with property tax revenue and which is licensed to conduct
18 pari-mutuel wagering pursuant to Code chapter 99D, or other
19 entity of this state, or any branch, department, board,
20 bureau, commission, council, committee, official, or officer
21 of any of the foregoing or employee responsible for
22 implementing the requirements of the open records law.

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**EIGHTY FIRST GENERAL ASSEMBLY
2006 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

MARCH 15, 2006

SENATE FILE 2270

S-5069

1 Amend Senate File 2270 as follows:

2 1. Page 1, line 4, by striking the words "for the
3 benefit of a government body" and inserting the
4 following: "made to a foundation acting solely for
5 the support of an institution governed by the state
6 board of regents, to a private foundation as defined
7 in section 509 of the Internal Revenue Code organized
8 for the support of a government body, or to an endow
9 Iowa qualified community foundation, as defined in
10 section 15E.303, organized for the support of a
11 government body".

12 2. Page 1, by striking lines 17 through 20.

13 3. Page 1, by striking lines 21 through 23 and
14 inserting the following:

15 "e. Portions of records disclosing the identity of
16 a donor or prospective donor, including the specific
17 form of gift or pledge that could identify a donor or
18 prospective donor, directly or indirectly, when such
19 donor has requested anonymity in connection with the
20 gift or pledge. This paragraph does not apply to a
21 gift or pledge from a publicly held business
22 corporation.

23 This subsection does not apply to a report filed
24 with the ethics and campaign disclosure board pursuant
25 to section 8.7."

26 4. Title page, lines 2 and 3, by striking the
27 words "for the benefit of a government body" and
28 inserting the following: "made to a foundation acting
29 solely for the support of an institution governed by
30 the state board of regents, to a private foundation as
31 defined in section 509 of the Internal Revenue Code
32 organized for the support of a government body, or to
33 an endow Iowa qualified community foundation, as
34 defined in section 15E.303, organized for the support
35 of a government body".

36 5. By renumbering as necessary.

By LARRY McKIBBEN

S-5069 FILED MARCH 14, 2006

SENATE FILE 2270

S-5104

1 Amend Senate File 2270 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 22.7, Code Supplement 2005, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 52. a. The following records
7 relating to a charitable donation made to a foundation
8 acting solely for the support of an institution
9 governed by the state board of regents, to a private
10 foundation as defined in section 509 of the Internal
11 Revenue Code organized for the support of a government
12 body, or to an endow Iowa qualified community
13 foundation, as defined in section 15E.303, organized
14 for the support of a government body:

15 (1) Records provided by a noncorporate donor or
16 prospective noncorporate donor that disclose personal,
17 financial, estate planning, or gift planning
18 information about the donor or prospective donor if
19 such donor or prospective donor has requested in
20 writing that the records be treated as confidential.

21 (2) Portions of records disclosing the identity of
22 a noncorporate donor or prospective noncorporate donor
23 if such donor or prospective donor has requested in
24 writing anonymity in connection with the donation.

25 b. The following information contained in records
26 with regard to all donations made to a foundation in
27 paragraph "a" are public records and are not
28 confidential whether or not the donor or prospective
29 donor has requested anonymity:

30 (1) The amounts and dates of all donations.

31 (2) The intended use or purpose of the donation,
32 if indicated.

33 (3) Any restriction on the use of the donated
34 funds or other property.

35 (4) Any gifts, honors, privileges, employment, or
36 any other considerations bestowed upon or made
37 available to the donor or prospective donor as a
38 result of the donation or upon or to any person
39 related to the donor or prospective donor by blood,
40 marriage, or within the third degree of consanguinity
41 or affinity. Such considerations shall include
42 admission to an academic program, the awarding of an
43 academic degree or certificate whether earned or
44 honorary, and the naming of any building or portion of
45 a building, physical space, facility, academic or
46 school program, scholarship, fellowship, endowed
47 chair, seminar, or other public presentation program
48 at any institution benefiting from a donation to a
49 recipient foundation listed in paragraph "a".

50 (5) Any other conditions, restrictions,

S-5104

1 limitations, or agreements made by the donor or donee
2 or institution benefiting from the donation in
3 connection with the donation.

4 c. Notwithstanding paragraph "a", subparagraph
5 (2), the identity of a donor in any records relating
6 to any settlements including settlements of lawsuits
7 or other complaints against any recipient foundation
8 listed in paragraph "a" or the institution it benefits
9 including but not limited to termination of employment
10 if the settlement is funded in whole or in part or is
11 in any way facilitated or influenced by the donation
12 is a public record and is not confidential.

13 d. For the purposes of this subsection:

14 (1) "Noncorporate donor" means a natural person or
15 a charitable trust established by a natural person to
16 distribute personal funds placed in the trust by a
17 natural person or members of a family related within
18 the third degree of consanguinity or affinity.

19 "Noncorporate donor" does not include a for-profit
20 corporation established in Iowa or elsewhere, whether
21 or not publicly traded, a cooperative, bank, credit
22 union, insurance company, subchapter S corporation, a
23 foundation established by a for-profit corporation,
24 cooperative, or a foundation that receives donations
25 from a for-profit corporation or cooperative.

26 (2) "Prospective donor" means a person who has
27 made a pledge or commitment to donate money or
28 property."

29 2. Title page, lines 2 and 3, by striking the
30 words "for the benefit of a government body" and
31 inserting the following: "made to a foundation acting
32 solely for the support of an institution governed by
33 the state board of regents, to a private foundation as
34 defined in the Internal Revenue Code organized for the
35 support of a government body, or to an endow Iowa
36 qualified community foundation organized for the
37 support of a government body".

By HERMAN C. QUIRMBACH

Danielson co-chair
McKibben co-chair
Horn
Ward

SSB#3155

State Government

Introduced By

SENATE FILE

(SF) HF 2270

BY (PROPOSED COMMITTEE

ON STATE GOVERNMENT

BILL BY CO-CHAIRPERSONS

HORN and MCKIBBEN)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

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