

Red Tape Review Rule Report (Due: September 1, 2025)

Department Name:	Iowa Ethics and Campaign Disclosure Board	Date:	August 15, 2025	Total Rule Count:	Start: 20 End: 19
IAC #:	351—6.1 through 351—6.20(3)	Chapter/ SubChapter / Rule(s):	Chapter 351 Subchapter 6	Iowa Code Section Authorizing Rule:	68B.32A
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Subchapter 6 is intended to provide clarity on Iowa Code Chapter 68B, which includes all provisions under the agency's jurisdiction with regard to executive branch ethics.

Is the benefit being achieved? Please provide evidence.

The benefit is being achieved by the rules offered for re-promulgation, as they have been cited by the Board and used for administrative guidance on many occasions.

What are the costs incurred by the public to comply with the rule?

The public does not incur costs to comply with any of the rules in Subchapter 6.

What are the costs to the agency or any other agency to implement/enforce the rule?

All costs to implement Subchapter 6 are in the normal course of agency business.

Do the costs justify the benefits achieved? Please explain.

As noted, there are no additional costs; nominal costs incurred ensure executive branch government transparency and accountability.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Aside from the elimination of obsolete, outdated, inconsistent, redundant, or unnecessary language (as noted below), the rules as offered for re-promulgation are the least restrictive way to offer guidance.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

1. 6.1: eliminated unnecessary language on the scope of the subchapter
2. 6.2: eliminated unnecessary, or obvious, definitions; organized for citation purposes
3. former 6.4(1) eliminated as repetitive to other parts of agency rules
4. former 6.4(3) eliminated as repetitive to other parts of agency rules
5. 6.6: eliminated as unnecessary
6. 6.6(3): eliminated outdated fax number, reference to agency address as electronic filing is required
7. 6.8(2)(b): eliminated as outside the agency's jurisdiction
8. 6.9: moved

9. 6.10(1): created for ease of reference
10. 6.10(4): eliminated agency phone and address in case they are subject to change
11. 6.10(5): created for organization (moved former 6.9)
12. 6.11(1): created for ease of citation
13. 6.11(2): organized for ease of reference
14. 6.11(2)(d): rephrased to correct list after realignment
15. 6.12(1): created for ease of citation
16. 6.14(1): created for ease of citation

RULES PROPOSED FOR REPEAL (list rule number[s]):

6.4(1), 6.4(3), 6.9

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

Attached with suggested changes.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	3
Proposed word count reduction after repeal and/or re-promulgation	-529
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	-49

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

There are no statutory changes recommended by the Board with regard to subchapter 6.

CHAPTER 6
EXECUTIVE BRANCH ETHICS

DIVISION I
GENERAL PROVISIONS

351—6.1(68B) Scope of chapter. ~~Pursuant to Iowa Code section 68B.32(1), the Iowa ethics and campaign disclosure board is to set standards for, investigate complaints relating to, and monitor the ethics of officials, employees, and candidates for office in the executive branch of state government.~~ Pursuant to Iowa Code section 68B.32A(13), this chapter board is required to establish rules relating to ethical conduct for the executive branch of state government and other political subdivisions. ~~This chapter sets the standards and establishes the rules for the ethical conduct of persons in the executive branch of state government.~~

This rule is intended to implement Iowa Code sections 68B.32(1) and 68B.32A(13).

351—6.2(68B) Definitions. For purposes of this chapter, the following definitions apply:

a. “Agency of state government” or “state agency” ~~means~~ includes any authority, board, bureau, commission, community college, department, division, office of a statewide elected official, or regents university within the executive branch of the State of Iowa.

~~“Board” means the Iowa ethics and campaign disclosure board.~~

b. “Candidate for statewide office” means a candidate for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general.

c. “Employee” means an individual who is a paid employee of any agency of state government. “Employee” includes an individual employed in an interim or acting capacity. “Employee” does not include an official or an independent contractor.

~~“Executive branch of state government” means an agency of state government.~~

d. “Official” means a statewide elected official, an executive or administrative head or heads of a state agency, a deputy

executive or administrative head or heads of a state agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds. “Official” includes an individual serving in an interim or acting capacity.

e. “State duties” ~~includes means~~ the official duties, responsibilities, or activities of an official or employee that are mandated by law, rule, or court order, or that otherwise lawfully aid an agency of state government in carrying out the statutory functions of the agency.

This rule is intended to implement Iowa Code section 68B.2.

351—6.3(68B) Complaints or filing information alleging a violation.

6.3(1) Who may file. Any person may file a complaint or provide information to the board alleging a violation of Iowa Code chapter 68B or this chapter by officials, employees, and candidates for statewide office.

6.3(2) Procedure. The procedure for filing a complaint or providing information to the board alleging a violation of Iowa Code chapter 68B or this chapter is set out in Iowa Code section 68B.32B and 351—Chapter 9.

6.3(3) Whistleblower protection. A person who discharges or discriminates against an official or employee because the official or employee filed a complaint or provided information to the board ~~shall will~~ be subject to the board’s complaint process if the official or employee filed the complaint or provided the information in good faith. If it is determined after a contested case proceeding that a person has impermissibly discharged or discriminated against an official or employee, the board may impose sanctions as set out in Iowa Code section 68B.32D. For purposes of this ~~sub~~rule, “good faith” means that any statements or materials in a complaint or included as part of information provided to the board were made or provided with a reasonable belief that such statements or materials were true and accurate.

This rule is intended to implement Iowa Code sections 68B.32A(14) and 68B.32B.

351—6.4(68B) Board advice.

6.4(1) Advice requested. Persons subject to the authority of the board under Iowa Code chapter 68B may first seek advice or guidance from the board, ~~informally or through advisory opinion,~~ concerning the legality of action or conduct potentially affected by chapter 68B.

~~—6.4(1) Advisory opinion. A board advisory opinion applies a statute or rule under the board’s jurisdiction to a particular factual situation. The procedure for requesting a board opinion is set out in rules 351—1.2(68B) and 351—1.3(68B). Pursuant to Iowa Code section 68B.32A(12), a board opinion, if followed, constitutes a defense to a subsequent complaint or information provided to the board concerning the same facts and circumstances.~~

6.4(2) Declaratory order. Persons may also seek board guidance concerning the application of a statute or rule under the board’s jurisdiction to a specific factual situation through the petition for declaratory order ~~procedure set out in 351—Chapter 12.~~

~~6.4(3) Routine administrative advice. A person may also receive oral or written routine administrative advice from board staff concerning the application of Iowa Code chapter 68B or this chapter. Routine administrative advice is not binding on the board, but may be offered as a defense to a subsequent complaint or information provided to the board concerning the same facts and circumstances.~~

This rule is intended to implement Iowa Code section 68B.32A(12).

DIVISION II CONFLICT OF INTEREST AND MISUSE OF PROPERTY

351—6.5 Reserved.

351—6.6(68B) Dual executive branch compensation prohibited. ~~Pursuant to Iowa Code section 68B.2B, an executive branch official or employee shall not receive compensation simultaneously from more than one executive branch agency unless the official or employee provides notice to the board within 20 business days of accepting employment with another executive branch agency.~~

6.6(1) Definitions. For purposes of Iowa Code section 68B.2B and this rule, the following definitions apply:

a. “Executive branch agency” means “agency of state government” or “state agency” as defined in Iowa Code section 68B.2(2). However, the “legislative branch” is not considered an “agency of state government” or “state agency” for purposes of Iowa Code section 68B.2B or this rule.

b. “Employment with a second executive branch agency” includes services provided as an independent contractor with another executive branch agency.

6.6(2) Exceptions. The prohibition ~~on receiving simultaneous compensation from more than one executive branch agency s~~

~~in Iowa Code section 68B.2B and this rule does~~ not apply to the following:

- a. Employment with any governmental entity other than simultaneous employment with two or more executive branch agencies.
- b. Service in the Iowa national guard.
- c. An official or employee who is interchanged from one executive branch agency to another executive branch agency pursuant to Iowa Code chapter 28D unless the official or employee is simultaneously receiving compensation from both the “receiving agency” and the “sending agency.”
- d. Serving on the board, commission, or authority of two or more executive branch agencies.

6.6(3) Reporting form. An official or employee of the executive branch who accepts simultaneous employment with another executive branch agency **shall will** file Form Dual-Comp within 20 business days of accepting employment with the second executive branch agency. The form **shall will** be filed with the board, ~~at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an email attachment.~~ The failure to timely file Form Dual-Comp may subject the executive branch official or employee to board sanctions ~~under Iowa Code chapter 68B and rule 351—9.4(68B).~~

351—6.7 Reserved.

351—6.8(68B) Misuse of public property. ~~Iowa Code section 68B.32A(13) directs the board to establish rules relating to the misuse of public property by officials, employees, and candidates for statewide office.~~

6.8(1) Definition of public property. “Public property” means any real or personal property owned or controlled by the state of Iowa including but not limited to buildings, facilities, equipment, supplies, funds, records, files, and materials.

6.8(2) Prohibited uses. The following are deemed to be the misuse of public property by an official, employee, or candidate for statewide office:

a. Using public property to engage in an outside employment or activity that leads to an unacceptable conflict of interest. ~~as prohibited in Iowa Code section 68B.2A(1) “a.”~~

~~b. Using public property to knowingly and purposefully send, receive, or view obscene material. “Obscene material” means any material depicting or describing the genitals, sex acts, masturbation, excretory functions, or sadomasochistic abuse which the average person, taking the material as a whole and applying contemporary community standards with respect to what is suitable material, would find appeals to the prurient interest and is patently offensive; and the material, taken as a whole, lacks serious literary, scientific, political, or artistic value.~~

~~This paragraph shall not apply to obscene materials that are sent or received as part of a law enforcement investigation or are authorized by law to be sent or received.~~

b. Using public property for personal financial gain. This prohibition does not apply to the receipt of lawful compensation for the performance of official state duties.

c. Using public property for a personal benefit to the detriment of the state.

~~e. Removing public property from a state building or facility for personal use.~~

d. Using public property to engage in political activities ~~as prohibited in 351—Chapter 5.~~

This rule is intended to implement Iowa Code section 68B.32A(13).

351—6.9(68B) Use of confidential information. ~~No official or employee shall disclose or use confidential information, including the contents of a sealed bid acquired during the course of the official’s or employee’s state duties, for the personal gain or benefit of any person. This rule does not apply to the release of information that is mandated by law, rule, or court order.~~

~~This rule is intended to implement Iowa Code section 68B.32A(13).~~

351—6.9 Reserved.

DIVISION III
SALES OR LEASES OF GOODS, REAL ESTATE, OR SERVICES

351—6.10(68B) Prohibition on sales; when public bids required—disclosure of income. ~~Pursuant to Iowa Code section 68B.3,~~
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6.10(1) Prohibition. An official or employee **shall will** not sell, in any one occurrence, goods or services having a value in excess of \$2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding and the official or employee making the sale files Form Public Bid with the board within 20 days of making the sale. This prohibition includes sales to the state agency in which the official or employee serves or is employed.

6.10(21) Exceptions. The prohibition in Iowa Code section 68B.3 and this rule ~~shall will~~ not apply to any of the following:

- a. Sales of goods or services done as part of the official's or employee's state duties.
- b. Sales of goods or services by a member of a board or commission to state executive branch agencies or subunits of departments or independent agencies that are not the subunit of the department or independent agency in which the person serves or are not a subunit of a department or independent agency with which the person has substantial and regular contact as part of the person's duties. "Board" and "commission" as used in this rule mean the same as defined in Iowa Code section 7E.4.
- c. The publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated by law for the publication of such materials and for which publication rates are fixed by law.
- d. Instruction at an accredited educational institution if the official or employee meets the minimum education and licensing requirements established for other instructors at the educational institution.
- e. A contract for professional services that is exempt from competitive bidding requirements under any provision in the Iowa Code or Iowa Administrative Code.

6.10(32) Sales to political subdivisions. An official who sells goods or services to a political subdivision of the state ~~shall will~~ disclose on the official's Form PFD as provided in 351—Chapter 7 if income was received from the sale.

6.10(43) Filing of report. An official or employee making a sale to a state agency pursuant to Iowa Code section 68B.3 ~~shall will~~ file Form Public Bid within 20 days of making the sale. ~~The form shall be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an email attachment.~~ The failure to timely file Form Public Bid with the board within 20 days of making the sale may subject the official or employee to board sanctions under Iowa Code chapter 68B and rule 351—9.4(68B).

~~6.10(5) Use of confidential information. No official or employee will disclose or use confidential information, including the contents of a sealed bid acquired during the course of the official's or employee's state duties, for the personal gain or benefit of any person. This rule does not apply to the release of information that is mandated by law, rule, or court order.~~

This rule is intended to implement Iowa Code section 68B.32A(13) and 68B.3.

351—6.11(68B) Sales or leases by regulatory agency officials or employees.

6.11(1) Prohibition. An official or employee of a regulatory agency ~~shall will~~ not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and this rule. This prohibition does not apply to sales or leases that are part of the official's or employee's state duties.

6.11(21) Definitions. For purposes of this rule, the following definitions apply:

- a. "Agency" means a regulatory agency.
- b. "Employee" means an employee of an executive branch regulatory agency and does not include an independent contractor or an official.
- c. "Official" means a statewide elected official of a regulatory agency, an executive or administrative head or heads of a regulatory agency, a deputy executive or administrative head or heads of a regulatory agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a regulatory agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds.

~~d. "Regulatory agency" means the department of agriculture and land stewardship, department of workforce development, department of insurance and financial services, department of public safety, department of education, state board of regents, department of health and human services, department of revenue, department of inspections, appeals, and licensing, department of administrative services, public employment relations board, state department of transportation, civil rights commission, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, utilities commission, and department of natural resources~~

~~"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.~~

6.11(32) Request for consent. An official's or employee's request for an agency's consent to the sale or lease of goods, real estate, or services ~~shall will~~ comply with all of the following:

- a. The request ~~shall will~~ be in writing and ~~shall will~~ be filed with the official's or employee's agency at least 20 calendar days in advance of the proposed sale or lease of any goods, real estate, or services.
- b. The request ~~shall will~~ include all of the following:

- (1) The name of the individual, association, or corporation to which the goods, real estate, or services are to be sold or leased;
- (2) The relationship of the individual, association, or corporation to the agency;
- (3) A description of the goods, real estate, or services;
- (4) The date or dates that the goods, real estate, or services will be delivered; and
- (5) A statement by the official or employee explaining how the proposed sale or lease of the goods, real estate, or services will not violate the provisions of Iowa Code section 68B.4 or create a conflict of interest under Iowa Code section 68B.2A.

6.11(43) Agency guidelines. Iowa Code section 68B.4 and the guidelines in this subrule ~~shall will~~ be the sole legal authorities to be used by an agency in considering the granting of consent. In determining whether to grant consent, the agency ~~shall will~~ take the following guidelines into consideration:

- a. The official or employee seeking consent is not the person with the authority to determine whether consent should be granted.
- b. The duties and functions performed by the official or employee seeking consent are not related to the regulatory authority of the agency over the individual, association, or corporation to which the goods, real estate, or services will be sold or leased.
- c. The selling or leasing of the goods, real estate, or services does not affect the official's or employee's duties or functions at the agency.
- d. The selling or leasing of the goods, real estate, or services will not cause the official or employee to advocate on behalf of the individual, association, or corporation to the agency.
- e. The selling or leasing of the goods, real estate, or services does not cause the official or employee to sell or lease goods, real estate, or services to the agency on behalf of the individual, association, or corporation.
- f. The selling or leasing of the goods, real estate, or services will not result in a conflict of interest as provided in Iowa Code section 68B.2A.
- g. The request complies with the procedural requirements of subrule 6.11(2).
- h. A regulatory agency may grant blanket consent for sales or leases to classes of individuals, associations, or persons when such blanket consent is consistent with subrule 6.11(3) and the granting of single consents is impractical or impossible to determine.

These guidelines ~~shall will~~ be publicized and made known to all personnel throughout the agency.

6.11(54) Agency decision. The official's or employee's agency ~~shall will~~ issue a written consent or denial within 14 calendar days following the date the request was filed. The deadline may be extended by agreement of both the official or employee and the agency. If the request is denied or granted conditionally, the agency ~~shall will~~ state the reasons for the denial or conditional consent.

6.11(65) Appeal of denial. An official or employee who receives a denial or conditional consent may file a request with the board for a contested case proceeding pursuant to 351—Chapter 11 for a determination of whether the situation described in the request complies with the requirements of Iowa Code section 68B.2A, Iowa Code section 68B.4 and this rule. The final order of the board constitutes final agency action for purposes of seeking judicial review.

6.11(76) Copy of consent filed with board. Pursuant to Iowa Code section 68B.4, an agency granting consent ~~shall will~~ file a copy of the consent with the board within 20 days of the granting of consent. The board ~~shall will~~ treat the consent as a public record. The failure to provide a copy of the consent may result in the imposition of board sanctions against the individual who granted the consent.

6.11(87) Consent not a defense. Consent granted by an agency under this rule ~~shall will~~ not constitute a defense to a complaint alleging a violation of any law or rule. It is the responsibility of the official or employee to ensure compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4.

351—6.12(68B) Sales or leases by members of the office of the governor.

6.12(1) Prohibition. A permanent full-time member of the office of the governor ~~shall will~~ not directly or indirectly sell or lease any goods or services to registered lobbyists before the general assembly or the executive branch or to individuals, associations, or corporations that employ persons who are registered lobbyists before the general assembly or the executive branch except as provided in Iowa Code section 68B.4B and this rule. This prohibition does not apply to sales or leases that are part of the member's state duties.

6.12(21) Request for consent. A request submitted by a member of the office of the governor for consent to sell or lease goods or services ~~shall will~~ comply with all of the following:

- a. The request ~~shall will~~ be in writing and ~~shall will~~ be filed at least 20 calendar days in advance of the proposed sale or lease of any goods or services with the person responsible for hiring or approving the hiring of the member.

b. The request shall will include all of the following:

- (1) The name of the lobbyist, individual, association, or corporation to which the goods or services are to be sold or leased;
- (2) The relationship of the lobbyist, individual, association, or corporation to the office of the governor;
- (3) A description of the goods or services;
- (4) The date or dates that the goods or services will be delivered; and
- (5) A statement by the member explaining how the proposed sale or lease of the goods or services will not violate the provisions of Iowa Code section 68B.4B or create a conflict of interest under Iowa Code section 68B.2A.

6.12(32) *Guidelines for granting consent.* In determining whether to grant consent, the person responsible for hiring or approving the hiring of the member shall will take the following guidelines into consideration:

a. The duties and functions performed by the member are not related to the authority of the office of the governor over the lobbyist, individual, association, or corporation.

b. The selling or leasing of goods or services by the member to the lobbyist, individual, association, or corporation does not affect the member's duties or functions at the office of the governor.

c. The selling or leasing of any goods or services by the member to a lobbyist, individual, association, or corporation does not include lobbying the office of the governor.

d. The selling or leasing of any goods or services by the member does not cause the member to sell or lease goods or services to the office of the governor on behalf of the lobbyist, individual, association, or corporation.

e. The selling or leasing of the goods or services will not result in a conflict of interest as provided in Iowa Code section 68B.2A.

f. The request complies with the procedural requirements of ~~subrule 351–6.12(1)~~.

g. A blanket consent may be granted for sales or leases to classes of lobbyists, individuals, associations, or corporations when such blanket consent is consistent with ~~subrule 351–6.12(2)~~ and the granting of single consents is impractical or impossible to determine.

These guidelines shall will be publicized and made known to members of the office of the governor.

6.12(43) *Decision.* The person responsible for hiring or approving the hiring of the member shall will issue a written consent or denial within 14 calendar days following the date the request was filed. The deadline may be extended by agreement of both the member and the person. If the request is denied, the person shall will state the reasons for the denial.

6.12(54) *Appeal of denial.* A member who receives a denial may file a request with the board for a contested case proceeding pursuant to 351—Chapter 11 for a determination of whether the situation described in the request complies with the requirements of Iowa Code ~~Chapter 68B section 68B.2A, Iowa Code section 68B.4B and this rule~~. The final order of the board constitutes final agency action for purposes of seeking judicial review.

6.12(65) *Copy of consent filed with board.* ~~Pursuant to Iowa Code section 68B.4B, a~~ A copy of the consent granted to a member shall will be filed with the board within 20 days of the granting of consent. The board shall will treat the consent as a public record. The failure to provide a copy of the consent may result in the imposition of board sanctions against the person who granted the consent.

6.12(76) *Consent not a defense.* Consent granted under this rule shall will not constitute a defense to a complaint alleging a violation of any law or rule. It is the responsibility of the member of the office of the governor to ensure compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4B.

DIVISION IV
EMPLOYMENT RESTRICTIONS

351—6.13 Reserved.

351—6.14(68B) *Engaging in services against the interest of the state* ~~prohibited~~.

6.14(1) *Public officials and employees.* Except for a member of a board or commission, no official or employee shall will receive compensation in any form, or enter into any type of agreement to receive compensation in any form, to appear on behalf of any person or otherwise render services against the interest of the state except as set out in Iowa Code section 68B.6 and this rule. This prohibition relates to any case, proceeding, application, or other matter before any federal court, federal bureau, federal agency, federal commission, federal department, any agency of state government, or any court of the state of Iowa.

6.14(21) *Definitions.* For purposes of this rule, the following definitions apply:

a. “Board” means a policy-making body that has the power to hear contested cases or a policy-making body that has powers

for both rule making and hearing contested cases.

b. “Commission” means a policy-making body that has rule-making powers.

6.14(32) Member of board or commission. No member of a board or commission ~~shall~~ will receive compensation in any form, or enter into any type of agreement to receive compensation in any form, to appear on behalf of any person or otherwise render services against the interest of the state in relation to any case, proceeding, application, or other matter before the subunit of a state agency in which the member serves or is employed, or with which the member has substantial and regular contact as part of the member’s state duties.

6.14(43) Exception for attorney general and public defender. ~~As provided in 2004 Iowa Acts, Senate File 2179, sections 1 and 2, o~~Officials and employees carrying out the official duties of the office of the attorney general or the office of the state public defender are not subject to the provisions of Iowa Code section 68B.6 or this rule.

This rule is intended to implement Iowa Code section 68B.6.

351—6.15 Reserved.

DIVISION V
GIFTS AND OFFERS

351—6.16 to 6.18 Reserved.

351—6.19(68B) Prohibition on receipt of an honorarium. ~~Pursuant to Iowa Code section 68B.23, an official or employee shall not accept an honorarium from a restricted donor.~~

6.19(1) Definitions. For purposes of this rule, the following definitions apply:

a. “Honorarium” means a payment of compensation or the giving of anything of value to an official or employee in relation to a speaking engagement.

b. “Restricted donor” means a person as defined in Iowa Code section 68B.2(24).

6.19(2) Exceptions. An official or employee may receive and accept an honorarium provided that the honorarium consists of:

a. Payment of actual expenses for registration, food, beverages, travel, or lodging paid in return for participation on a panel or for a speaking engagement at a meeting. The expenses ~~shall~~ will relate directly to the day or days on which the official or employee has participation or speaking responsibilities.

b. Receipt of a nonmonetary item or a series of nonmonetary items that the official or employee donates within 30 days of receipt to any of the following:

- (1) A public body;
- (2) A bona fide educational or charitable organization; or
- (3) The department of administrative services. Items donated to the department of administrative services ~~shall~~ will be disposed of by assignment to state agencies for official use or by public sale.

c. Payment to an official or employee for services rendered as part of a bona fide private business, trade, or profession in which the official or employee is engaged so long as both of the following conditions are met:

- (1) The payment is commensurate with the actual services rendered; and
- (2) The payment is being made due to a special expertise or other qualification the recipient possesses separate from the recipient’s status as a public official or public employee.

6.19(3) Solicitation prohibited. An official or employee ~~shall~~ will not solicit, demand, or otherwise request an honorarium from a restricted donor.

This rule is intended to implement Iowa Code sections 68B.23 and 68B.32A(13).

351—6.20(68B) Loans from executive branch lobbyists prohibited. ~~Pursuant to Iowa Code section 68B.24, officials, employees, and candidates for statewide office shall not directly or indirectly seek or accept a loan from a person who is an executive branch lobbyist.~~

6.20(1) Definitions. For purposes of this rule, the following definitions apply:

a. “Executive branch lobbyist” means an individual who is registered as a lobbyist with the board or is an “executive branch lobbyist” as defined in rule 351—8.2(68B).

b. “Loan” means a sum of money upon agreement, express or implied, to be repaid with or without interest.

6.20(2) Offer of loan prohibited. An executive branch lobbyist ~~shall~~ will not directly or indirectly offer or make a loan to an official, an employee, or a candidate for statewide office, ~~as prohibited in Iowa Code section 68B.24(2) and rule 351—8.16(68B).~~

6.20(3) Exceptions. The prohibitions in Iowa Code section 68B.24 and this rule do not apply to a loan made in either of the

following circumstances:

a. A loan made in the ordinary course of business. ~~For purposes of Iowa Code section 68B.24 and this rule,~~ “Ordinary course of business” means the loan is made by a person regularly engaged in a business that makes loans to members of the public, and the finance charges and other terms of the loan are the same as or substantially similar to the finance charges and loan terms that are available to members of the public.

b. A loan made to the campaign committee of a candidate for statewide office that is subject to the campaign laws in Iowa Code chapter 68A.

This rule is intended to implement Iowa Code sections 68B.24 and 68B.32A(13).