



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER TWENTY-EIGHT

WHEREAS, the case of State vs. Pribyl has raised questions about the enforceability of the gift law (1985 Iowa Code Chapter 68B) and

WHEREAS, the Attorney General has advised in a press release dated December 11, 1986, that state officials and employees should conform to the strictest interpretation of the gift law that might be used by a District Court. This would mean conforming to the provisions of the 1979 Iowa Code Chapter 68B in certain respects and the 1980 Iowa Code Chapter 68B in others.

WHEREAS, the Governor has authority as chief executive of the State of Iowa to issue an executive order relating to the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, do hereby establish the following gift reporting requirements for the executive department of state government.

ARTICLE I. SCOPE OF APPLICATION

"Employee" means any full-time, salaried employee of the State of Iowa including clerical employees but not including part-time employees or independent contractors.

"Official" means any official of the State of Iowa receiving a salary or per diem whether serving full-time or part-time including supervisory personnel and members of state agencies but not including members of the general assembly or legislative employees.

"Official" or "Employee" includes any firm or association of which an official or employee is a member or partner and any corporation of which an official or employee holds ten percent or more of the stock either directly or indirectly. The use of the above terms shall also include spouses and unemancipated minor children.

"Immediate family members" means the spouse or minor children of a person required to file reports pursuant to this executive order.

ARTICLE II. GIFTS SOLICITED OR ACCEPTED

- A. Officials and employees shall abide by not soliciting, accepting or receiving any gift having a value of \$25 or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form in any one occurrence.
- B. No person shall offer or give any gift to any official or employee which has a value in excess of \$25 in any one occurrence.
- C. A gift, for purposes of this executive order, does not include campaign contributions or gifts which are unrelated to state government pursuant to 1979 Iowa Code Section 68B.5.
- D. A person shall not directly or indirectly join with one or more persons to offer or give any gift or series of gifts to an official or employee which has a total value of \$25 or more in any occurrence. In determining the value of a gift to the donee the gift is not divisible by the number of persons participating in providing the gift.

ARTICLE III. DISCLOSURE REPORT

- A. An official or employee who receives or whose immediate family receives a gift in any one occurrence which has a value in excess of fifteen dollars shall file a written report with the Secretary of State.
- B. A person who gives any gift in any one occurrence to a state official or employee or immediate family member which has a value in excess of fifteen dollars shall file a written report with the Secretary of State.
- C. An official or employee or immediate family member who receives a gift or a series of gifts exceeding an aggregate value of fifty dollars in any one calendar year from one donor, shall file a written report with the Secretary of State.
- D. If a person gives a gift or series of gifts exceeding an aggregate value of fifty dollars in any one calendar year to any official or employee or immediate family member, the person shall file a written report with the Secretary of State.
- E. The report shall be filed by the fifteenth day of the month following the month in which the gift was received or given. The report shall show the donor, donee, nature, value and date of the gift.
- F. The Secretary of State shall make available forms for filing of these reports, upon request, to any person required to file a report. The reports shall be available for public inspection under conditions consistent with 1985 Iowa Code Chapter 22, relating to public records.

ARTICLE IV. PARTIES IN HONOR OF STATE OFFICIALS OR EMPLOYEES

Parties given by a lobbyist or lobbyists in the honor of officials or employees shall not be allowed.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 4th day of March, in the year of our Lord one thousand nine hundred eighty-seven.

Terry E. Branstad
GOVERNOR

Chaine Baxter
SECRETARY OF STATE