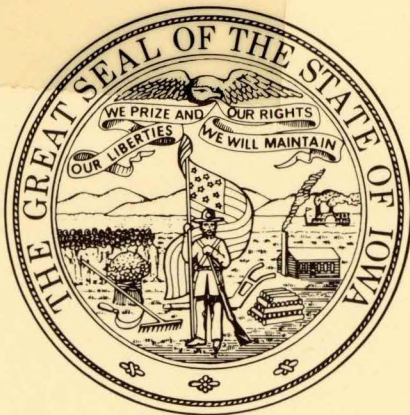


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A HANDBOOK FOR IOWA BOARD AND COMMISSION MEMBERS

STATE LIBRARY OF IOWA
Historical Building
DES MOINES, IOWA 50319

prepared by

The Volunteer Advisory Council



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

Dear Appointee:

In accepting your recent appointment to a state board or commission, you have assumed a role in public policy-making. Your service in state government in this capacity is an important responsibility. As a citizen participating in government decision-making, you will be expected to represent and be responsive to your constituency, the public, and to your agency. You will need to familiarize yourself with your board's function and with the staff associated with your board.

Citizen participation in government has a lengthy and deeply rooted history in America. This tradition thrives in Iowa with qualified individuals, such as yourself, volunteering their time and talents to improve the quality of life in our state. I know you will find your service in state government challenging and I sincerely appreciate your commitment to make a contribution to the people of Iowa.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Ray".

Robert D. Ray
Governor

RDR: jr



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OPERATIONS OF A BOARD/COMMISSION

This section includes:

- Types of Boards and Commissions
- List of Boards and Commissions
- Functioning of a Board/Commission
- Expectations by and of a Board/Commission Member
- Check Out Your Group Participation Quotient

This section includes two different listings of the state's boards and commissions to help you understand the different types of organization, their function and structure. The information provided in this section is designed to assist you in becoming an effective member of your board or commission. It includes some basic guides to the board/commission's role in the organization, an outline of your role as a board/commission member, and a checklist that can be used to gage your effectiveness.

TYPES OF BOARDS AND COMMISSIONS

As a citizen appointee to a state board or commission, you become a member of a very diverse group. A list of the types of boards and commissions along with examples of each type is included to assist you in identifying your responsibilities.

1. GOVERNING BOARDS which hire the chief executive officer (CEO) or department head
Examples: Iowa Commission for the Blind
State Board of Regents
2. BOARDS OF DIRECTORS which set policy and programs (Governor appoints department head)
Examples: Energy Policy Council
Council on Social Services
3. LICENSING AND EXAMINING BOARDS which set standards and procedures for professions
Examples: Architectural Examiners Board
Audiology and Speech Pathology Examining Board
4. REGULATORY BOARDS which enforce rules and legislation
Examples: Campaign Finance Disclosure
Banking Board
5. ADVISORY COUNCILS/BOARDS which advise agencies on policy and programs
Examples: Iowa Arts Council
Agricultural Promotion Board
6. BOARDS/COMMISSIONS -- salaried positions
Example: Commerce Commission

BOARDS AND COMMISSIONS
LISTED ACCORDING TO SERVICE AREAS

AGRICULTURE & NATURAL RESOURCES

Conservation Commission
Land Rehabilitation Advisory Board
Natural Resources Council
Preserves Advisory Board
Soil Conservation Committee
Agriculture Promotion Board
Conservation of Outdoor Resources

COMMERCE & DEVELOPMENT

Armory Board
Banking Board
City Development Board
Commerce Commission
Credit Union Review Board
Iowa Development Commission
Housing Finance Authority
Ipers Advisory Board
Rural Community Development
Committee

EDUCATIONAL RESOURCES

Commission for Blind
College Aid Commission
Deaf Advisory Council
Education Commission of States
Educational Data Processing Committee
Educational Radio & TV
Family Practice Education Advisory
Board
Library Commission
Private Schools Advisory Committee
Professional Teaching Practices
State Board of Public Instruction
Board of Regents
School Budget Review Committee
Vocational Education Advisory
Council
Developmental Disabilities Council
Library Advisory Council

EMPLOYMENT SERVICES & PERSONNEL

Child Labor Committee
Handicapped, Employment of
Job Services Advisory Council
Merit Employment
Occupational Safety & Health Review
Public Employment Relations Board
Manpower Planning Council
Manpower Services Council
Job Services Appeal Board
State Employment and Training Council

ENERGY - ENVIRONMENT

Energy Policy Council
Air Quality Commission
Chemical Technology Commission
Solid Waste Disposal Commission
Water Quality Commission
Waste Water Certification Board
Nuclear, Midwest Compact

GOVERNMENTAL OVERSIGHT AND PLANNING

Capitol Planning Commission
Compensation for State Officials
Confidential Records Council
Historical Board
Prison Industries Advisory Council
Professional & Occupational
Regulation Commission
Suspension of State Officials
Uniform State Laws Commission
Veterans Affairs Commission
Economic Advisory Council
Employee Development Policy
Committee
Historical Records Advisory
Council
Rural Policy Commission
Science Advisory Council
Tricentennial Committee
United Nations Day Committee
Volunteer Advisory Council
Salary Review Committee
Terrace Hill Authority

HUMAN RIGHTS/CULTURE

Arts Council
 Civil Rights Commission
 Spanish Speaking People's Commission
 Commission on Status of Women

JUDICIAL & LAW ENFORCEMENT

Crime Commission
 Judicial Nominating Commission St.
 Judicial Nominating, District
 Judicial Qualifications
 Law Enforcement Academy Council
 Parole Board
 Juvenile Justice Advisory Board
 Legal Services Advisory Board

REGULATORY & LICENSING

Accountancy Board
 Accountants Advisory Committee
 Architectural Exam. Board
 Assessor Education Commission
 Audiology & Speech Pathology
 Exam. Board
 Barbers Exam. Board
 Beer & Liquor Control Commission
 Building Code Advisory Commission
 Campaign Finance Disclosure
 Chiropractic Exam. Board
 Cosmetology Exam. Board
 Dental Exam. Board
 Engineering Exam. Board
 Hearing Aid Dealers Exam. Board
 Landscape Architect Exam. Board
 Mortuary Science Exam. Board
 Nursing Exam. Board
 Nursing Home Admin. Exam. Board
 Optometry Exam. Board
 Medical Exam. Board
 Physical Therapists Exam. Board
 Pharmacy Exam. Board
 Podiatry Exam. Board
 Psychologist Exam. Board
 Real Estate Commission
 Veterinarians Exam. Board
 Voting Machine Examiners
 Watchmaking Exam. Board
 Athletic Comm. Advisory Committee

SOCIAL & HEALTH RESOURCES

Aging Commission
 State Board of Health
 Health Facilities Council
 (Certificate of Need)
 Hospital Licensing Board
 Medical Assistance Advisory Council
 Mental Health Advisory Council
 Mental Hygiene Committee
 Physicians Assistant Advisory
 Committee
 Social Services Council
 Substance Abuse Commission
 Substance Abuse Advisory Council
 Inter-Agency Coordinating
 Committee for Elder Care
 Children, Iowa Council for
 Emergency Medical Service Council
 Health Coordinating Council (SHCC)
 Care and Support of Dependent
 Adults
 Physical Fitness and Sports Council

TAXATION

City Finance Commission
 School Budget Review Committee
 Tax Review Board
 County Finance Committee

TRANSPORTATION

Mississippi River Parkway Commission
 Transportation Commission
 Transportation Regulation Board
 Upper Mississippi Riverway
 Commission

FUNCTIONING OF A BOARD/COMMISSION

As a board/commission member, you have a role in guiding the organization in the accomplishment of its purpose, goals, and objectives.

To accomplish this task a board/commission should operate with a list of objectives to guide its work each year. This list might be developed at yearly planning sessions. An objective is a brief statement of the results you wish to accomplish by a definite time period. This listing of results gives a sense of direction to the body. Results are often referred to as objectives and written as follows:

- To conduct an orientation session for new board/commission members within two months of their appointment.
- To have at least 90 percent attendance at board meetings this next fiscal year.

EXPECTATIONS BY AND OF
A BOARD/COMMISSION MEMBER

You, as a board/commission member, can expect the following from your agency as a result of your appointment:

To receive orientation about your agency's purpose, objectives, and background.

To receive orientation about your board or commission's role within the agency.

To receive the necessary information from agency staff to assist you in effective decision-making.

To be trusted with necessary confidential information.

You can be an effective board/commission member if you fulfill these expectations:

To be knowledgeable about the organization's work.

To understand the board/commission's areas of responsibility and accountability.

To be present at the meetings except in exceptional circumstances.

To come to the meetings having familiarized yourself with the material to be discussed.

To represent and be responsive to your constituency, the public, and to your agency.

To be aware of the importance of your contribution.

CHECK OUT YOUR GPQ (GROUP PARTICIPATION QUOTIENT)
AND ASSESS YOUR EFFECTIVENESS AS A GROUP MEMBER

1. Do I propose new ideas?
2. Do I ask questions?
3. Do I share my knowledge when it will prove helpful to the problem at hand?
4. Do I speak up if I feel strongly about something?
5. Do I try to integrate ideas by summarizing?
6. Do I understand the goals of the group and try to direct discussion toward them?
7. Do I ever question the practicality or the logic of a project, and do I evaluate afterwards?
8. Am I a mediator and a peacemaker?
9. Am I willing to compromise?
10. Do I encourage others to participate?

Did you respond with more negatives than positives? If so, your GPQ may need some work.

Source: How Adults Can Learn More --- Faster
By Virginia B. Warren
National Association for Public School Adult Education

DIRECTORY TO IOWA STATE GOVERNMENT

This section includes:

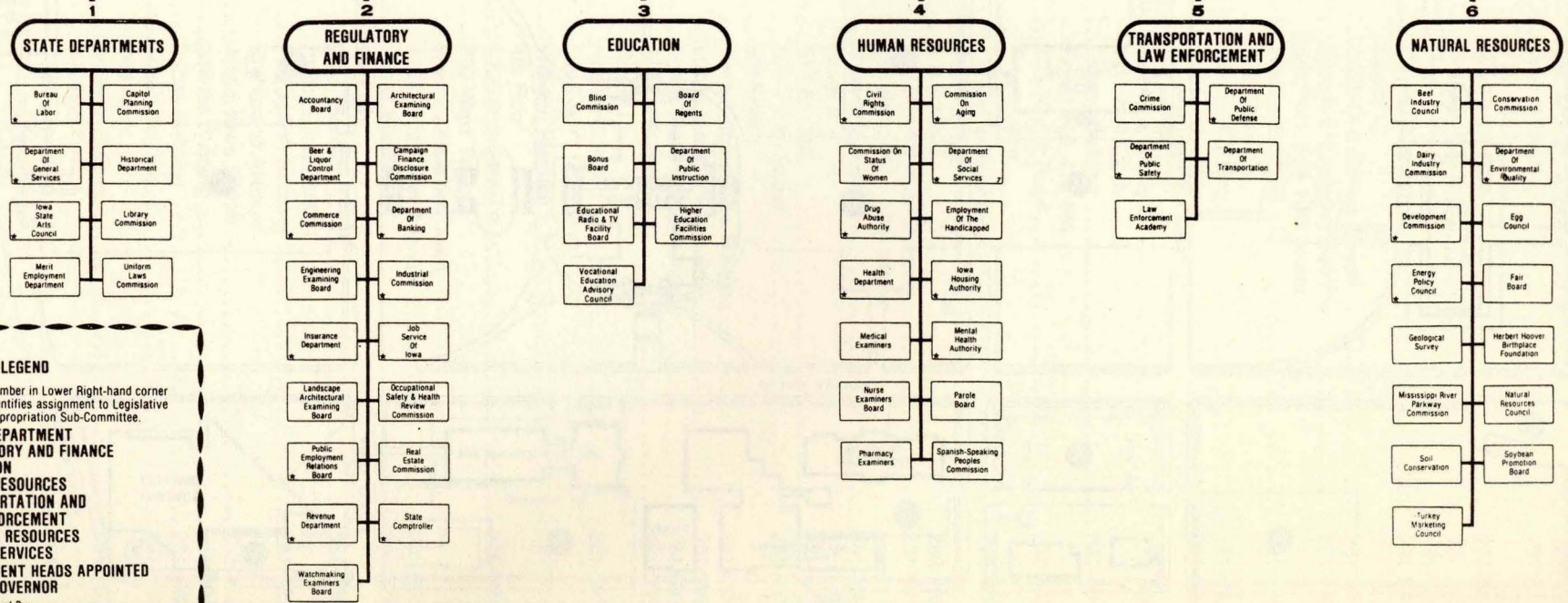
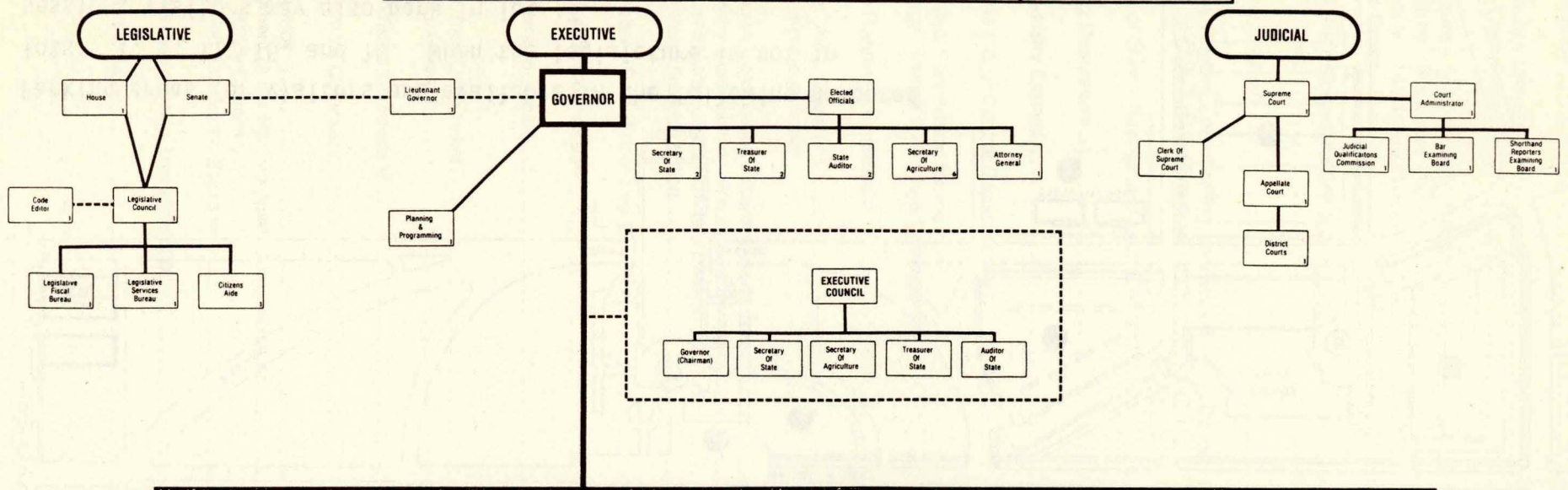
- Organization Chart
- Map of Capitol Complex
- State Government Telephone Directory
- Parliamentary Procedure
- Open Meetings Law
- Reimbursement Instructions

The following information is designed to familiarize you with Iowa State Government and its boards and commissions. The organizational chart gives you a perspective of the diversity of state government services. (Departments are grouped under functional areas for illustrative purposes only.) To assist you in locating these departments and other boards/commissions, a map of the capitol complex and a telephone directory are included. Visitors parking and handicapped parking areas are designated on the map.

This section also includes references on parliamentary procedure and the Iowa Open Meetings Law with which you will need to be familiar. A description of expense reimbursement procedures is also provided for your convenience.



STATE OF IOWA
ORGANIZATIONAL CHART
 JANUARY, 1978

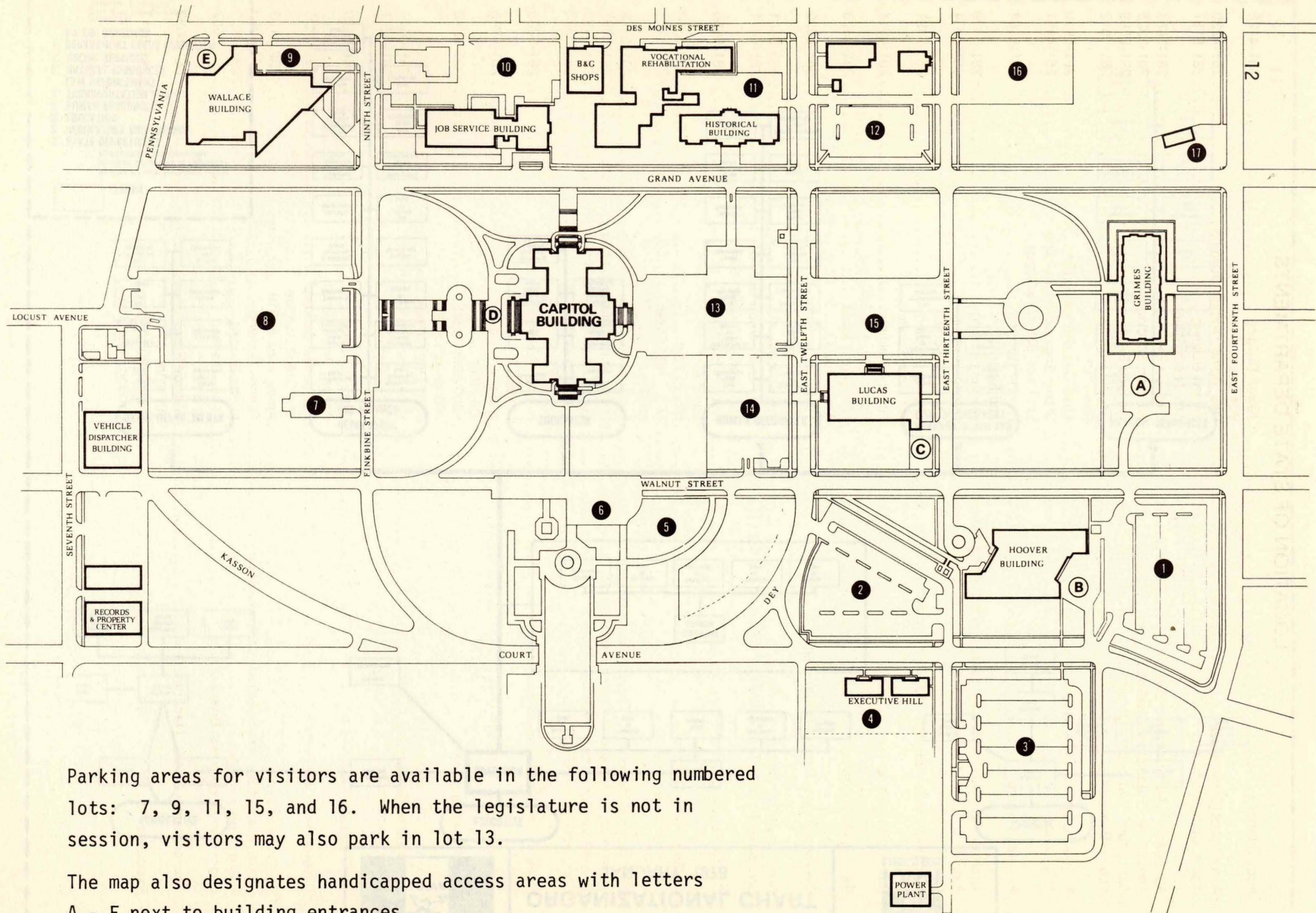


LEGEND

Number in Lower Right-hand corner identifies assignment to Legislative Appropriation Sub-Committee.

1. STATE DEPARTMENT
 2. REGULATORY AND FINANCE
 3. EDUCATION
 4. HUMAN RESOURCES
 5. TRANSPORTATION AND LAW ENFORCEMENT
 6. NATURAL RESOURCES
 7. SOCIAL SERVICES
 * DEPARTMENT HEADS APPOINTED BY THE GOVERNOR

Prepared By:
 Office of the State Comptroller
 Telephone: 515-281-3322



Parking areas for visitors are available in the following numbered lots: 7, 9, 11, 15, and 16. When the legislature is not in session, visitors may also park in lot 13.

The map also designates handicapped access areas with letters A - F next to building entrances.

LOCATION OF STATE DEPARTMENTS

13

Accountancy	Jewett Building	281-4126
	904 Grand Ave.	
Aeronautics Commission	Des Moines Airport Building	281-4280
Aging, Commission on	Jewett Building	281-5187
	415 Tenth Street	
Agriculture - Administrative Division	Wallace Building	281-5681
Agriculture - Regulatory Division	Wallace Building	281-3325
Agriculture - Laboratory Division	Wallace Building	281-8589
Appeal Board	Capitol Building	281-5512
	Room 12	
Architectural Examiners, Board of	1018 Des Moines Street	281-5910
Arts Council	Brown Engineering Building	281-4451
	5th Floor, 508 10th Street	
Attorney General	Hoover Building	281-5164
	2nd Floor	
Attorney General - Prosecuting Attorney's Training Office	Hoover Building	281-5428
Auditor of State - General Office	Capitol Building	281-5834
	1st Floor South	
Auditor of State - Savings and Loan Division	Capitol Building	281-5491
	1st Floor South	
Banking Department	Liberty Building	281-4014
	Room 530, 418 6th	
Beef Industry Council	123 Airport Road	232-0428
	Ames, Iowa	
Beer and Liquor Control Department	1918 S.E. Hulsizer	964-6800
	Ankeny, Iowa	
Blind, Iowa Commission for the	4th & Keo	283-2601
Campaign Finance Disclosure Commission	Old Farm Bureau Building	281-4411
	1st Floor, 507 - 10th Street	
Capitol Planning Commission	Hoover Building	281-5856
	Level A	
Citizens' Aide, Office of	515 E. 12th	281-3592
Civil Rights Commission	507 - 10th Street	281-4121
	8th Floor	
Commerce Commission - General Administration	Lucas State Office Building	281-5979
Commerce Commission - Warehouse Division	Lucas State Office Building	281-5987
Commerce Commission - Utilities Division	Lucas State Office Building	281-5469
Comptroller - General Office	Capitol Building	281-3322
	Room 12	
Comptroller - Data Processing	Hoover Building	281-5209
	Level B	
Conservation Commission	Wallace Building	281-5145
	4th Floor	
Corn Promotion Board	1200 35th Street	225-9242
	200 West Towers	
	West Des Moines, Iowa	
Credit Union Department	1209 East Court Avenue	281-6514
Crime Commission	Lucas Building	281-3241
	1st Floor	
Dairy Industry Commission	Dairy Building	964-0690
	Ankeny, Iowa 50021	
Development Commission	250 Jewett Building	281-3251
	914 Grand Avenue	
Egg Council	Ames, Iowa 50010	232-2103
Employment of the Handicapped, Commission on	Grimes Building	281-5969
Energy Policy Council	Lucas Building	281-4420
Engineering Examiners, Board of	Lucas Building	281-5602
	2nd Floor	
Environmental Quality, Department of	Wallace Building	281-8690
	5th Floor	
Executive Council	Capitol Building	281-5117
	Ground Floor South	

LOCATION OF STATE DEPARTMENTS

Fair Board	Administration Building	262-3111
	East 30th & Grand Avenue	
Flood Disaster Committee	Hoover Building	281-3231
	Level A	
General Services - General Administration	Hoover Building	281-5119
	Level A	
General Services - Office of Director	Hoover Building	281-5856
	Level A	
General Services - Communications Division	Hoover Building	281-3336
	Level A	
General Services - Buildings and Grounds	Hoover Building	281-5876
	Level A	
General Services - IPBN	2801 Bell	281-4500
General Services - Printing Division	Grimes Building	281-5231
	Basement Level	
General Services - Purchasing Division	Hoover Building	281-5981
	Level A	
General Services - Records Management	Hoover Building	281-4208
	Level A	
General Services - Risk Management	Hoover Building	281-6552
	Level A	
General Services - Surplus Property	Hoover Building	281-5391
	Level A	
General Services - Vehicle Dispatcher	GMC Building	281-5125
	301 East 7th Street	
Geological Survey - General Office	123 North Capitol Street	319-338-1173
	Iowa City	
Governor	Capitol Building	281-5211
	1st Floor South	
Governor, Lieutenant	Capitol Building	281-3421
Health Department - Central Administration	Lucas Building	281-4955
	3rd Floor	
Health Department - Health Facilities Service	507 10th	281-4115
Health Department - Health Engineering Service	Lucas Building	281-4942
	3rd Floor	
Health Department - Health Planning and Innergovernmental Relations		281-4340
	Lucas Building	
	3rd Floor	
Health Department - Disease Prevention	Lucas Building	281-5643
	3rd Floor	
Health Department - Vital Records Section	Lucas Building	281-5871
Health Department - Personal & Family Health	Lucas Building	281-3732
	3rd Floor	
Health Department - Community Health Service	Lucas Building	281-3931
	3rd Floor	
Health Department - Professional Examining Boards	215 E. 7th Street	281-4401
Higher Education Facilities - See Iowa College Aid Commission		
Historical Department - Historical Society	402 Iowa Avenue	319-338-5471
	Iowa City, Iowa	
Historical Department - Historical Preservation	26 East Market	319-353-6949
	Iowa City, Iowa	
Historical Department - Historic Museum and Archives	Historical Building	281-5111
Housing Authority	550 Liberty Building	281-4058
Industrial Commissioner	507 10th Street	281-5934
Insurance Department	Lucas Building	281-5705
	Ground Floor	
Iowa College Aid Commission	201 Jewett Building	281-3501
Job Service of Iowa	Job Service Building	281-5387
	1000 East Grand Avenue	
Judicial Department	Capitol Building	281-5241
	Ground Floor North	
Labor, Bureau of	307 East 7th	281-3606
Landscape Architectural Examiners Board	1018 Des Moines Street	281-5596
Law Enforcement Academy	Camp Dodge	278-9357

LOCATION OF STATE DEPARTMENTS

Legislative Council	Capitol Building	281-3566
	3rd Floor East	
Legislative Fiscal Bureau	Capitol Building	281-5279
	2nd Floor East	
Legislative Services Bureaus	Capitol Building	281-3566
	3rd Floor East	
Library Commission - Law Library	Capitol Building	281-5124
	2nd Floor West	
Library Commission - Medical Library	Historical Building	281-5772
	2nd Floor	
Library Commission - State Library	Historical Building	281-4102
	First Floor	
Medical Examiners, Board of	State Capitol Complex	281-5171
	Executive Hills West	
Mental Health Authority	University of Iowa	319-353-3901
	Oakdale Campus, Oakdale, Iowa 52319	
Merit Employment Department	Grimes Building	281-3087
	1st Floor	
Natural Resources Council	Wallace Building	281-5913
	2nd Floor	
Nurse Examiners, Board of	Executive Hills East	281-3255
Occupational Safety and Health Review Commission	Colony Building	281-4159
	2nd Floor	
Parole, Board of	Hoover Building	281-4818
	5th Floor	
Pharmacy Examiners	1209 E. Court	281-5944
Physical Therapy Examiners, Board of	215 East 7th	281-4401
Planning and Programming - State Staffing Office	Capitol Hill Church	281-3711
	523 East 12th	
Public Defense - Military Division	Camp Dodge	278-9011
Public Defense - State Office of Disaster Services	Hoover Building	281-3231
	Level A	
Public Employment Relations Board	Old Farm Bureau Building	281-4414
	507 10th Street	
Public Instruction - General Office	Grimes Building	281-3191
	2nd and 3rd Floors	
Public Instruction - Vocational Rehabilitation	510 East 12th Street	281-4311
Public Safety - Administrative	Wallace Building	281-3211
	2nd Floor	
Public Safety - Investigative Division	Wallace Building	281-5138
	2nd Floor	
Public Safety - Inspection and Security	Wallace Building	281-5276
	3rd Floor	
Public Safety - Highway Patrol	Wallace Building	281-5824
	3rd Floor	
Public Safety - Radio Communications	Wallace Building	281-3913
	3rd Floor	
Public Safety - Criminal Justice Information	Wallace Building	281-3681
	3rd Floor	
Real Estate Commission	Executive Hills East	281-3183
	1223 East Court	
Regents - Board Office	Lucas Building	281-3934
	2nd Floor	
Regents - State University of Iowa	Old Capitol Building	319-353-2121
	Room 5, Iowa City, Iowa	
Regents - U. of I. - University Hospital	Iowa City	319-356-1616
Regents - U. of I. - Psychiatric Hospital	Iowa City	319-356-1616
Regents - U. of I. - Hygienic Lab	Iowa City	319-356-1616
Regents - U. of I. - Hospital School for Handicapped Children	Iowa City	319-356-1616
Regents - U. of I. - Oakdale Campus	Iowa City	319-356-1616
Regents - U. of I. - Mobile Dental Unit	Iowa City	319-356-1616
Regents - Iowa State University of Science and Technology	Room 109, Morrill Hall	294-6136
	Ames, Iowa	

LOCATION OF STATE DEPARTMENTS

Regents - I.S.U. - Agricultural Experiment Station	Room 104, Curtiss Hall	294-4762
	Ames, Iowa	
Regents - I.S.U. - Cooperative Extension Service	Room 110, Curtiss Hall	294-4576
	Ames, Iowa	
Regents - University of Northern Iowa	Administration Building	319-273-2311
	Cedar Falls, Iowa	
Regents - Iowa Braille and Sight Saving School.....	Administration Building	319-472-2121
	Vinton, Iowa	
Regents - Iowa School for the Deaf	Administration Building	712-366-0571
	Council Bluffs, Iowa	
Revenue Department - General Office	Hoover Building	281-3135
	3rd Floor	
Revenue Department - Motor Vehicle Fuel Tax Division	Hoover Building	281-8039
	3rd Floor	
Secretary of State	Capitol Building	281-5864
	1st Floor and Ground	
Service Compensation - Vietnam Compensation Fund	Camp Dodge	278-9331
Social Services - General Administration	Hoover Building	281-5452
Social Services - Iowa Soldiers Home	Marshalltown, Iowa	515-752-1501
Social Services - Division of Community Programs	Hoover Building	281-5758
Social Services - Division of Field Operations	Hoover Building	281-8575
Social Services - State Juvenile Home	Toledo, Iowa 52342	515-484-2560
Social Services - Training School for Boys	Eldora, Iowa 50627	515-858-5402
Social Services - Training School for Girls	Mitchellville, Iowa 50169	515-967-4236
Social Services - Adult Corrections Services	Hoover Building	281-4811
Social Services - Men's Reformatory	Anamosa, Iowa 52202	319-462-3504
Social Services - State Penitentiary	Fort Madison, Iowa 52627	319-372-5432
Social Services - Women's Reformatory	Rockwell City, Iowa 50579	712-297-7521
Social Services - Division of Financial Assistance	Hoover Building	281-3133
Social Services - Division of Mental Health	Hoover Building	281-5874
Social Services - Mental Health Institute	Cherokee, Iowa 51012	712-225-2594
Social Services - Mental Health Institute	Clarinda, Iowa 51632	712-542-2162
Social Services - Mental Health Institute	Independence, Iowa 50644	319-334-2583
Social Services - Mental Health Institute	1200 E. Washington	319-385-7231
	Mt. Pleasant	
Social Services - Glenwood State School	Glenwood, Iowa 51534	712-527-4811
Social Services - State Hospital and School	Woodward, Iowa 50276	515-438-2600
Soil Conservation - General Office	Wallace Building	281-5851
Soybean Promotion Board	1200 35th Street, Suite 402	223-1423
	West Des Moines, Iowa	
Spanish American War Veterans	856 First Street	515-832-3542
	Webster City, Iowa	
Spanish Speaking Peoples Commission	Old Farm Bureau Building	281-4080
	507 10th, 8th Floor	
Status of Women, Commission on	Old Farm Bureau Building	281-4461
	507 10th Street	
Substance Abuse	Insurance Exchange Building	281-3641
	Suite 202	
Supreme Court	Capitol Building	281-5174
	First Floor North	
Supreme Court, Clerk of	Capitol Building	281-5911
	First Floor North	
Supreme Court Code Editor	G20 Lucas Building	281-5285
Treasurer of State	Capitol Building	281-5366
	First Floor South	
Turkey Marketing Council	Ames, Iowa	232-7492
Uniform Commercial Code Commission	Hoover Building	281-3326
	2nd Floor	
Vocational Educational Advisory Council	Executive Hills West	281-3722
	Room 304	
Watchmaking Examiner, Board of	900 Des Moines St.	281-3520
	Suite 200	

PARLIAMENTARY PROCEDURE AT A GLANCE

Based on Roberts Rules of Order

*NOT AMENDABLE

TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER?	MUST YOU BE SECONDED?	IS THE MOTION DEBATABLE?	WHAT VOTE IS REQUIRED?
*Adjourn the meeting	"I move the meeting be adjourned"	No	Yes	No	Majority
*Recess the meeting	"I move the meeting be recessed until..."	No	Yes	No	Majority
*Complain about noise, room temperature, etc.	"Point of privilege"	Yes	No	No	No vote
*Suspend further consideration of something	"I move to table the motion"	No	Yes	No	Majority
End debate	"I move the previous question"	No	Yes	No	2/3 Vote
Postpone consideration of something	"I move this matter be postponed until"	No	Yes	Yes	Majority
Have something studied further	"I move this matter be referred to a committee"	No	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by"	No	Yes	Yes	Majority
Introduce business (A primary motion)	"I move that..."	No	Yes	Yes	Majority

TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER?	MUST YOU BE SECONDED?	IS THE MOTION DEBATABLE?	WHAT VOTE IS REQUIRED?
*Object to a procedure or to a personal affront	"Point of order"	Yes	No	No	No vote Chair decides
*Request information	"Point of information"	Yes	No	No	No vote
*Ask for a vote by actual count to verify a voice vote	"I call for a division of the house"	No	No	No	No vote
*Object to considering some undiplomatic matter	"I object to consideration of this matter"	Yes	No	No	2/3 Vote
*Take up a matter previously tabled	"I move to take from the table"	No	Yes	No	Majority
*Reconsider something already disposed of	"I move to reconsider the action relative to..."	Yes	Yes	Yes	Majority
*Consider something out of its scheduled order	"I move to suspend the rules and consider..."	No	Yes	No	2/3 Vote
*Vote on a ruling by the chair	"I appeal the chair's decision"	Yes	Yes	Yes	Majority

RULES OF THUMB FOR THE IOWA
OPEN MEETINGS LAW

Adherence to several "rules of thumb" should protect a member of a governmental body from liability for damages and from vexing litigation:

1. Become familiar with the act's requirements; address questions about the requirements to the governmental body's legal counsel.
2. Assure that someone is satisfying the act's requirements for notifying the public and press, and for making and preserving records.
3. Presume that all meetings should be open, unless there is a clear showing of a need for a closed meeting.
4. Vote against the closing of a meeting unless an exemption of Section 28A.5(1) clearly permits a closing. Such a vote provides a sure defense against damages under Section 28A.6(3a(1)).
5. When voting for closing a meeting:
 - a. Specify which exemption is being used to close the meeting and have this noted in the minutes.
 - b. Specify why you believe the exemption to be valid in this case.
 - c. Make sure that two-thirds of the members do vote to close the session, and that the vote is recorded in the minutes.
 - d. When in closed session make sure that a tape recording and detailed minutes are kept of the discussion as required by the act.
 - e. Limit the closed session to the discussion specified when you moved to close the meeting, and reopen the meeting as soon as you have completed discussing that item.

ARTICLE IV
OF THE CONSTITUTION

The Board of Directors shall have the right to call a special meeting of the Board of Directors at any time and from time to time for the purpose of transacting any business that may come before it.

The Board of Directors shall have the right to elect or appoint one or more members to fill any vacancy in the Board of Directors.

The Board of Directors shall have the right to determine the qualifications of the members of the Board of Directors.

The Board of Directors shall have the right to determine the powers and duties of the members of the Board of Directors.

The Board of Directors shall have the right to determine the compensation of the members of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the removal of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the election of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the resignation of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the death of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the suspension of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the reinstatement of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the expulsion of any member of the Board of Directors.

The Board of Directors shall have the right to determine the procedure for the removal of any member of the Board of Directors.

HOW TO FILL OUT A TRAVEL VOUCHER

- 1) The individual submitting a claim should fill out the top-right inside portion of the voucher (See area A of the example). The date shown should be the date the voucher is being prepared.

The name of the Board or Commission should be shown on the dotted line; Area B of the example.

Lodging and meal expenses as listed should be the actual cost including taxes. Each such expense should be listed separately for each day of the trip. Expenses should be "reasonable" and only include items that relate to the official duties; not personal expenses. Do not include such items as the spouse's share of a room or meals. It must be remembered these expenses are being reimbursed by public funds.

- 2) Column 1: Enter the date or dates the travel took place.
- 3) Column 2: Enter the place from which the trip originated and terminated.
- 4) Column 3: Enter the number of miles traveled from the place of origination to the place of termination.
- 5) Column 4: Enter the correct charge for miles traveled. The example uses a rate of \$0.20 per mile which was the rate in effect on the date of travel and includes all charges for the use of the vehicle. The mileage rate is set by the Code of Iowa and changes from time to time.
- 6) Column 5: Enter the actual cost of breakfast; if incurred.
- 7) Column 6: Enter the actual cost of lunch; if incurred.
- 8) Column 7: Enter the actual cost of dinner; if incurred.
- 9) Column 8: Enter the total costs of columns 5, 6, and 7.
- 10) Column 9: Enter the name of the facility if lodging is required away from home.
- 11) Column 10: Enter the actual cost of the lodging including applicable taxes. The amount shown should be the single room rate and should not include items such as phone calls or personal expenses. The receipt is required.
- 12) Column 11: Enter the total for meals, column 8, and lodging, column 10.
- 13) Column 12: The total shown here will usually be the same as that in column 11. For budgetary and other reasons, some Boards and Commissions have lodging and/or meal limits. If this is the case only the total reimbursable amounts should be shown in this column.
- 14) Columns 13 & 14: Enter miscellaneous expenses in these columns. Items shown must be related to performing official duties. They could be items such as long distance phone calls or postage.

- 15) Column 15: This space should show the total of any amounts in columns 4, 12, and 14. This then becomes the total actual costs for each day as you look across the claim horizontally.
- 16) Each column should also be totalled vertically. These totals are shown in the total reimburseable line across the bottom of the claim.
- 17) When the voucher is properly completed, with all items shown and corresponding amounts entered and totalled, the Claimant's Certification (Area C on the example) should be signed in ink and dated. The claim should then be presented for payment through the prearranged routine.

Should you need assistance an Agency staff member or the Comptroller's Pre-Audit Division should be contacted.

STAPLE
RECEIPTS
HERE

VAC JTW

THE STATE OF IOWA

For the items of service and expense enumerated below,
which were incurred in performance of duties imposed
by law, and ordered by the (B)

(A)

Name and title	J.J. Jones	Board Member
Residence (City)	Cedar Rapids	Date 4/2/80
Soc. Sec. No. 999-99-9999	Official Domicile	

Date 19 80	Travel		Bus, R.R., Plane State or Priv. Auto		Meals (Actual)				Lodging (Actual)		Actual Totals Meals & Lodging	Reimbursable Totals Meals & Lodging	Misc. Expenses		Actual Amount To Be Reimbursed
	From	To	Miles	Charge	B	L	D	Total	Name	Charge			Explain	Amount	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	
4/1	Cedar Rapids-		122	21.96	2.27	3.01	6.50	11.71	ABC Motel	22.50	34.21	34.21			56.17
4/2	Des Moines-		122	21.96	2.06	2.85	4.91				4.91	4.91	Phone	2.20	29.07
Totals (Actual)					4.33	5.86	6.50	16.62		22.50	39.12				
Totals (Reimbursable)			43.92		4.33	5.86	6.50	16.62		22.50		39.12		2.20	85.24

Accumulative Miles - Fiscal Year.

CLAIMANT'S CERTIFICATION

I, the within claimant do certify that the items for which payment is claimed were furnished for state business under authority of the law; and that the charges are reasonable, proper, and correct, and no part of this claim has been paid.

AGENCY CERTIFICATION

I hereby certify that the above expenses were incurred and the amounts are correct and should be paid from the funds appropriated by:

(FOR COMPTROLLER'S USE ONLY)

Code Section	OR	Chapter	Section	Gen. Asm.
(Signature)		(Title)		

(C)

Signature:

J. J. Jones

4-2-80

(Claimant)

(Date)

(Signature)

(Title)


RE: Reporting of Gifts

Chapter 1015, Acts of the 68th General Assembly, 1980 Session, became law on July 1, 1980. One provision of this new law revises the gift and bribery statues and requires the reporting of certain gifts by state officials and employees.

Pursuant to House File 687, I have issued Executive Order Number 36, a copy of which is attached. This Executive Order requires officials and employees to report the acceptance of certain gifts by them or members of their immediate families to the Secretary of State.

Also attached is the reporting form, which on the reverse side has the pertinent provisions of House File 687 relating to gifts. I point out to you that the Attorney General has issued an opinion (Miller and Fortney to Pope, 6-25-80) which defines the term "in any one occurrence" used in Chapter 1015. A copy of that opinion is attached.

If you should have any questions concerning Executive Order Number 36, please contact the Governor's Office.



State of Iowa

Executive Department

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

EXECUTIVE ORDER NUMBER 36

WHEREAS, House File 687, Acts of the 1980 Session of the Sixty-eighth General Assembly, contains provisions relating to the giving, acceptance and reporting of gifts; and

WHEREAS, the Governor, under Section 7 of said Act, has the authority and the responsibility to establish formal procedures and criteria for the reporting of gifts made to officials and employees of the executive department of the state and their immediate family members;

NOW, THEREFORE, I, Robert D. Ray, 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

"Officials and employees of the executive department of the state" shall include all employees and officials of state government who are not members of the legislative and judicial departments. The term "official" includes elected and appointed officials, and board and commission members who are required by law to file oaths of office. The words "gifts" and "immediate family members" shall have the meanings specified in Section 6 of the Act.

ARTICLE II. 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 of the gift in the office of the Secretary of State.

B. If a gift is made to an official or employee or an immediate family member and others which cannot be precisely attributed to that recipient, the report shall list the pro rata value of the gift attributable to the donee if that value exceeds fifteen dollars. The fact of apportionment shall be disclosed. A gift may not be apportioned between multiple donors to reduce its "value" unless it qualifies as a separate occurrence.

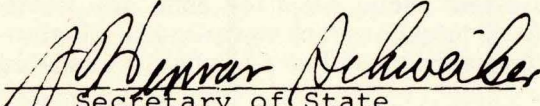
C. The report shall be filed by the fifteenth day of the month following the month in which the gift was received. The report shall show the donor, donee, nature, value and date of the gift. The report shall also show the street address, city and state of residence of the donor, if known.

D. The Secretary of State shall make available forms for the 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 Chapter 68A, Code of Iowa, relating to public records.

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 2nd day of July in the year of our Lord one thousand nine hundred and eighty.


Governor

Attest:


Secretary of State
DEPUTY

STANDARD FORM FOR PUBLIC DISCLOSURE OF GIFTS MADE TO A STATE OFFICIAL, STATE EMPLOYEE, OR TO A MEMBER OF THE PERSON'S IMMEDIATE FAMILY.

REPORT FOR THE MONTH OF _____ 19____

(This report shall be filed with the Secretary of State in accordance with the Governor's Executive Order 36, by the 15th day of the month following the month in which a gift is received.) **SEE REVERSE SIDE OF THIS FORM.**

RECIPIENT OF GIFT	RELATIONSHIP (IF APPLICABLE)	NATURE OF GIFT	AMOUNT (VALUE) OF GIFT	DATE RECEIVED	NAME OF DONOR	MAILING ADDRESS OF DONOR

REMARKS:

TYPE OR PRINT NAME, TITLE AND AGENCY OF PERSON FILING THIS REPORT.

NAME _____

TITLE _____

AGENCY _____

I certify that I have hereon reported every gift, as defined in section 6, H.F. 687, having a value which exceeds \$15 in any one occurrence received by me or a member of my immediate family during the reporting period. (See reverse side for definition of gift.)

SIGNATURE OF STATE OFFICIAL OR EMPLOYEE

DATE

SECRETARY OF STATE'S FILE STAMP IN THIS SPACE

This form has been developed pursuant to the provisions of HF 687, Acts of the 68th GA, 1980 Session.

(Use Additional Sheets, if Necessary)

ALL PERSONS FILING THIS REPORT SHOULD REFER TO HOUSE FILE 687, ACTS OF THE 68TH GENERAL ASSEMBLY, 1980 SESSION. SOME PARTS OF THE ACT ARE AS FOLLOWS:

PART OF SECTION 6:

NEW SUBSECTION. "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received. However, "gift" does not mean any of the following:

- a. Anything received by a donee whose official action or lack of official action will potentially have no material effect, distinguishable from material effects on the public generally, on the interests of the donor.
- b. Campaign contributions.
- c. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals.
- d. Anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
- e. Anything which is donated within thirty days after its receipt to a public body or to a bona fide educational or charitable organization, without the donation being claimed at any time as a charitable contribution for tax purposes.
- f. An inheritance.
- g. Anything available to or distributed to the public generally without regard to official status of the recipient.
- h. Reimbursement for or payment of actual expenses incurred for public speaking engagements or other formal public appearances.

NEW SUBSECTION. "Public disclosure" means a written report filed by the fifteenth day of the month following the month in which a gift is received as required by this chapter or required by rules adopted pursuant to this chapter.

NEW SUBSECTION. "Immediate family members" means the spouse or minor children of a person required to file reports pursuant to this chapter or required by the rules adopted or executive order issued pursuant to this chapter.

PART OF SECTION 7, SUBSECTIONS 2 AND 5:

2. The governor shall 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. The executive order shall require public disclosure of the nature, amount, date and donor of any gift made to one of those individuals which exceeds fifteen dollars in value in any one occurrence.

5. A person who does not make public disclosure of gifts as required by the rules adopted or executive order issued pursuant to this chapter or who does not make public disclosure as required by this chapter shall be guilty of a serious misdemeanor.

PART OF SECTION 8:

68B.5 GIFTS SOLICITED OR ACCEPTED. An official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer or make any such gift to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence.

CRIMINAL LAW: BRIBERY; PUBLIC OFFICIALS; GIFTS AND GRATUITIES. 1980 Session, 68th G.A., House File 687, §§ 6-8; §§ 68B.5, 68B.8, The Code 1979. A determination of whether two or more gifts constitute "one occurrence" is to be made by reference to the totality of the circumstances surrounding the gifts in question. If the gifts involved are related to one another, they are likely part of the same occurrence. If the gifts in question are of a similar nature or are related to one another, if the gifts were made in the same or a similar setting, if the relationship between the donor and the donee has its roots in the public employment status of the donee rather than in the personal relations between the parties, and if there was a relatively brief period of time separating the gifts in question, such gifts would likely be found to constitute one occurrence. (Miller and Fortney to Pope, State Representative, 6/25/80) #80-6-20

June 25, 1980

The Honorable Lawrence Pope
State Representative
3125 University Avenue, #2
Des Moines, Iowa

Dear Representative Pope:

You have requested an opinion of the Attorney General regarding the meaning of the term "in any one occurrence" as it appears in 1980 Session, 68th G.A., House File 687, relating to limitations on gifts to public officials and employees. It is our opinion that a determination of whether two or more gifts constitute "one occurrence" is to be made by reference to the totality of the circumstances surrounding the gifts in question. If the gifts involved are related to one another, they are likely part of the same occurrence. If the gifts in question are of a similar nature or are related to one another, if the gifts were made in the same or a similar setting, if the relationship between the donor and the donee has its roots in the public employment status of the donee rather than in the personal relations between the parties, and if there was a relatively brief period of time separating the gifts in question, it is our opinion that such gifts would likely be found to constitute one occurrence.

Representative Lawrence Pope
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House File 687, § 8, amended § 68B.5, The Code 1979, by striking the section and inserting in lieu thereof the following:

An official, employee, local official, local employee, member of the general assembly, candidate, or legislative employee shall not, directly or indirectly, solicit, accept, or receive any gift having a value of fifty dollars or more in any one occurrence. A person shall not, directly or indirectly, offer to make any such gift to an official, employee, local official, local employee, member of the general assembly, candidate or legislative employee which has a value in excess of fifty dollars in any one occurrence. [Emphasis supplied]

While prohibiting gifts in excess of fifty dollars in any one occurrence, the bill failed to provide a definition of what constituted an "occurrence". This omission is particularly striking given the fact that the bill provided a lengthy definition of the term "gift", as well as defining "candidate", "local official", "local employee", "public disclosure", and "immediate family members". See House File 687, § 6.

In addition to amending the prohibitions in § 68B.5, House File 687 included an innovative reporting system. Section 7 of the bill mandated that reporting rules be adopted by the house of representatives, the senate, the governor, and the Supreme Court.¹ A political subdivision's governing body may develop such rules

1. The rules adopted by the house and senate are applicable to members of the general assembly, legislative employees, and immediate family members. Those adopted by the governor are applicable to officials and employees of the executive branch and their immediate family members. Those adopted by the Supreme Court are applicable to officials and employees of the judicial branch and their immediate family members.

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as well. These provisions of House File 687 are uniform to the extent that they require such reporting rules to be applicable to any gift "which exceeds fifteen dollars in value in any one occurrence." See House File 687, § 7(1)-(4). [Emphasis supplied] As with the general prohibition on gifts in excess of fifty dollars in value found in § 8, the reporting provisions of § 7 fail to define the term "in any one occurrence".

The evolution of House File 687 through the General Assembly does not offer much assistance in interpreting the term "occurrence". On April 27, 1979, the house rejected H-4156, an amendment that would have prohibited the receipt of gifts "of ten dollars per occurrence and twenty-five dollars per year from any one source. . ." On the same date, the house adopted H-4157, an amendment which prohibited the receipt of gifts "exceeding twenty-five dollars in value in any one instance or one hundred dollars in value from any one source during a calendar year". House action on these amendments does not greatly assist in resolving the meaning of "occurrence" in that these amendments respectively failed to define "occurrence" and "instance".

On the senate side of the General Assembly, S-3629 was adopted on April 25, 1979. This amendment represents the first attempt to impose a reporting mechanism for the receipt of gifts. The amendment provided, in pertinent part:

An official, employee, member of the general assembly, or legislative employee shall file a report with the secretary of state describing the nature, amount, date and donor of any gift received by that person which exceeds ten dollars in value.

The House concurred in S-3629 on April 30, 1979. See H-4141. In contrast to the final version of House File 687, § 7, S-3629 required the reporting of all gifts in excess of a set dollar amount. House File 687, § 7 requires the reporting of all gifts in excess of a set dollar amount in any one occurrence.

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The difference between the house and senate versions of House File 687 remained unresolved at the close of the 1979 Session. A conference committee was established. This committee filed its report on February 14, 1980. The language suggested by the committee with regard to reporting of gifts was adopted in its entirety by the General Assembly with House action on February 19 and Senate concurrence on February 21. There were no relevant amendments offered which might clarify the intended meaning of "occurrence".

Following the passage of House File 687, both the house of representatives and the senate adopted rules for the reporting of gifts. House Resolution 110, § b provides in pertinent part:

A person who provides a gift which exceeds fifteen dollars in value in any one occurrence to a member, officer or employee of the house of representatives or their immediate family members shall report the gift.

* * *

A member, officer or employee and their immediate family members shall not receive more than one gift which is required to be reported from the same person in any one occurrence.
[Emphasis added]

During the debate on House Resolution 110, an amendment, H-6412, was offered which would have resulted in the above sentence reading as follows:

A member, officer or employee and their immediate family members shall not receive more than one gift which is required to be reported from the same person in any one calendar day.
[Emphasis supplied]

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The house of representatives rejected this amendment, thus providing some indication that, at least to the members of the house, an "occurrence" differed from one day. This does not, however, resolve the question of whether an "occurrence" could in fact be a period of time greater than twenty-four hours.

Senate Resolution 114, § 19(1) provides:

Persons who have made gifts to a senator, senate employee, or an immediate family member of a senator or senate employee shall file a report with the secretary of the senate which includes:

(1) a list of senators, senate employees, or their immediate family members for whom a gift which has a value in excess of fifteen dollars was made on any one occurrence, the date of the occurrence, and the nature and amount of the gift. [Emphasis supplied]

Senate Resolution 114, § 20 provides in pertinent part:

Senators and employees of the senate shall file a report with the secretary of the senate of the acceptance of a gift made to them or their immediate family members which exceeds fifteen dollars in value on any one occurrence. The report shall list the nature, amount, date and donor of the gift. [Emphasis supplied]

Neither the house rules nor the senate rules provide any definition of the term "occurrence" as it relates to the reporting of gifts as mandated by House File 687, § 7. We would encourage those charged with developing such rules to give attention to the need to clarify this question in the future.

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When the terms of a statute are unclear or ambiguous, it is necessary to interpret the statute according to the principles of statutory construction. Hartman v. Merged Area VI Community College, 270 N.W.2d 822 (Iowa 1978). In the absence of a statutory definition of the term "occurrence" we are compelled to ascertain what was intended by the General Assembly when it employed the term. In doing so, we look to the purpose of the bill and what policies the legislature was attempting to promote in adopting House File 687. We are guided in this endeavor by established precepts of statutory construction. The goal in interpreting a statute is to ascertain legislative intent and to give effect to such intent. Doe v. Ray, 251 N.W.2d 496 (Iowa 1977). Legislative intent is determined by construing the statute in its entirety and not from any one particular provision. City of Des Moines v. Elliott, 267 N.W.2d 44 (Iowa 1978). Words not defined by statute are generally given their ordinary meaning unless possessed of a peculiar and appropriate legal meaning. Pottawattamie County v. Iowa Department of Environmental Quality, Air Quality Commission, 272 N.W.2d 448 (1978).

It is clear that in enacting House File 687, §§ 6-8, it was the intent of the General Assembly to establish the scope of those gifts which public officials may properly accept. To knowingly and intentionally accept a gift which goes beyond the parameters established by the statute constitutes a serious misdemeanor. See § 68B.8, The Code 1979. Any interpretation given to the term "occurrence" must, by necessity, be of a nature which does not emasculate the prohibition and render the purpose of the bill incapable of attainment. Iowa State Ed. Ass'n - Iowa Higher Ed. Association v. Public Employment Relations Bd., 269 N.W.2d 446 (1978); Wilson v. Iowa City, 165 N.W.2d 813 (1969). If each item given by a donor to the same recipient is considered a separate and unique occurrence with no inquiry being made as to the relationship, if any, between the separate items, an interpretation would have been placed on the term "occurrence" which would have the effect of facilitating avoidance of the law's prohibitions. For example, if we were to hypothesize a situation in which the "gift" in question consisted of the use of a lakeside cabin for three days and the cabin generally rented for fifty dollars per day one could construe the situation as one occurrence involving a gift of one hundred fifty dollars or three occurrences, each involving a fifty dollar gift. Under the first construction, a violation of the gift law would have occurred; under the second construction there would be no violation. It is unreasonable to assume that the legislature intended a construction which allows what appears to be a single transaction to be broken down into its component parts so as to avoid the intended effects of the gift law. It is more reasonable to assume that the legislature

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intended to have a transaction evaluated by reference to the totality of the circumstances surrounding the gift. If the gifts involved are related to one another, they are likely part of the same occurrence. In making a determination as to the relatedness of more than one gift, it is our opinion that one would look to such factors as the nature and similarity of the gifts, the setting in which the gifts are given, the nature of the relationship between the donor and the donee, and the time lapse between the gifts in question. If the gifts in question are of a similar nature or are related to one another,² if the gifts were made in the same or a similar setting, if the relationship between the donor and the donee has its roots in the public employment status of the donee rather than in the personal relations between the parties, and if there was a relatively brief period of time separating the gifts in question, it is our opinion that such gifts would likely be found to constitute one occurrence.

It should be noted that it is impossible, in the context of an opinion, to conclusively state whether two particular gifts are part of one occurrence. Such a determination requires resolution of factual questions which are neither easily, nor appropriately, addressed in an opinion of the Attorney General. We can, however, point out those factors which we believe a court would consider in reaching a determination. The factors enumerated above are not intended to be exhaustive. They are intended as suggestive of the nature of the inquiry we believe would be appropriate. Each situation must, of necessity, be evaluated in context and on its own merits. In making this evaluation, a public official who is the recipient of more than one gift which are claimed to be separate occurrences should be able to point to facts which support the contention that the gifts are discrete.

We are not unmindful of the fact that some may say House File 687, §§ 6-8, are void for vagueness. Arguably, public officials face the potential of criminal prosecution for violating a statute whose terms are subject to conflicting interpretations. However, if the gifts which are alleged to violate the statute's proscriptions are of a nature such that they clearly are part of one occurrence, we do not believe that the official would be found to have standing to raise the void for vagueness argument. As applied to that official, in that context, the statute would not be void. Admittedly, there could be situations in which a serious

2. For example, dinner followed by a movie would probably constitute one occurrence made up of both the dinner and the movie.

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question would arise as to whether there was in fact only one occurrence. In such a situation, the public official would perhaps have a colorable argument that the statute is void for vagueness as applied to him or her. Recognizing this potentially "grey area", we would still advise caution on the part of public officials when presented with a gift. It is our opinion that it would be advisable for an official to err on the side of caution.

As discussed above, we believe that this broader interpretation of the term "in any one occurrence" serves to aid in the attainment of the policy objectives contained in House File 687. In addition, the legislative history of the bill lends support for this interpretation. For example, Senate amendment S-3629, which was adopted by both houses of the legislature, required the reporting of all gifts in excess of ten dollars in value. Had S-3629 employed language similar to the final version of House File 687, § 7, it would have required the reporting of all gifts in excess of ten dollars in value in any one occurrence. The second version is more expansive. Under S-3629 a donee could receive two separate gifts, each having a value of eight dollars, and be required to report neither gift, even though both gifts were part of the same occurrence. House File 687 requires a combining of values to determine the need for reporting. Following the submission of the conference committee report in February, 1980, both houses elected to adopt the "in any one occurrence" language. In doing so, they abandoned the language adopted earlier in S-3629.


Finally, the construction courts have generally placed on the term "occurrence" has been of the nature we have suggested. Cases construing the term have usually arisen in the context of liability insurance litigation and have revolved around the question of whether a series of events constituted one or more than one occurrence. For example, in Olsen v. Moore, 202 N.W.2d 236, 56 Wis.2d 340 (1972), the court held that where the insured's vehicle struck two vehicles almost simultaneously, and there was virtually no time or space interval between the two impacts, and the insured never regained his control over the vehicle prior to its striking the second automobile, there was but one accident or "occurrence" for purposes of a policy which provided stated limits of liability for "each occurrence". Similarly, in Deodato v. Hartford Inc. Co., 363 A.2d 361, 143 N.J. Super. 396 (1976), the court held that for purposes of construing the phrase "occurrence during the policy period" to determine insurer's liability under contract of insurance which limits liability to "occurrences" which arise during the policy period, an "occurrence" need not be a sudden

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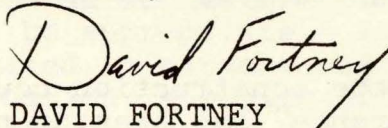
event but may be a process, so long as the incident or event is not designed or expected. Thus, courts have placed a construction on the word "occurrence" which contemplates a consideration of the time and space relationship between a number of acts; a consideration of the process which might be comprised of a number of acts.

In conclusion, it is our opinion that a determination of whether two or more gifts constitute "one occurrence" is to be made by reference to the totality of the circumstances surrounding the gifts in question. If the gifts involved are related to one another, they are likely part of the same occurrence. If the gifts in question are of a similar nature or are related to one another, if the gifts were made in the same or a similar setting, if the relationship between the donor and the donee has its roots in the public employment status of the donee rather than in the personal relations between the parties, and if there was a relatively brief period of time separating the gifts in question, it is our opinion that such gifts would likely be found to constitute one occurrence.

Sincerely,



THOMAS J. MILLER
Attorney General of Iowa



DAVID FORTNEY
First Assistant Attorney General

TJM:DF:jam:sh