

FEB 9 2005
STATE GOVERNMENT

HOUSE FILE 242
BY RAECKER

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

A BILL FOR

1 An Act relating to governmental employment by executive branch
2 officials, state employees, and members of the general
3 assembly.

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

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HF 242

1 Section 1. NEW SECTION. 68B.2B DUAL GOVERNMENTAL
2 EMPLOYMENT BY STATE EXECUTIVE BRANCH OFFICIALS AND EMPLOYEES.

3 1. An official or state employee shall not perform
4 services for or accept employment with a different agency, the
5 judicial branch, or any unit of the United States government
6 except when all of the following conditions are met:

7 a. Consent is obtained from the agency of which the person
8 is an official or state employee. The person granting the
9 consent shall not be the official or state employee seeking
10 dual governmental employment under this section.

11 b. The performance of services or employment does not
12 violate any other provision of this chapter.

13 c. The performance of services or employment will not
14 cause the person to advocate on behalf of the other agency,
15 the judicial branch, or any unit of the United States
16 government before the agency of which the person is an
17 official or state employee.

18 2. An agency granting consent under this section shall
19 file a copy of the consent with the board within twenty days
20 of the consent being granted.

21 3. The board shall adopt rules specifying the method by
22 which officials and state employees may obtain agency consent
23 under this section.

24 4. This section does not apply to services performed or
25 employment accepted if the official or state employee does not
26 receive any direct or indirect compensation for the services
27 or employment. This section does not apply to an official or
28 state employee as a candidate for elected public office.

29 Sec. 2. Section 68B.5A, Code 2005, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4A. A member of the general assembly
32 shall not within two years after the termination of service
33 become an employee of an agency if the job responsibilities
34 would include appearing before or communicating with the
35 general assembly on behalf of the employing agency.

1 Sec. 3. Section 68B.5A, subsection 7, Code 2005, is
2 amended to read as follows:

3 7. This section shall not apply to a person who, within
4 two years of leaving service or employment with the state, is
5 elected to, appointed to, or employed by another office of the
6 state, an office of a political subdivision of the state, or
7 the federal government and appears or communicates on behalf
8 or as part of the duties of that office or employment. This
9 subsection shall not apply to subsection 4A.

10

EXPLANATION

11 This bill relates to governmental employment by executive
12 branch officials, state employees, and members of the general
13 assembly.

14 The bill provides that an official or state employee shall
15 not perform services for or accept employment with a different
16 agency, the judicial branch, or any unit of the United States
17 government except when certain conditions are met, which
18 include obtaining consent from the agency for which the person
19 is an official or a state employee, that the performance of
20 services or employment does not violate any other provisions
21 of Code chapter 68B, and that the performance of services or
22 employment will not cause the official or state employee to
23 advocate on behalf of the newly associated governmental entity
24 before the agency which the official serves or by which the
25 state employee is employed. The bill provides that an agency
26 granting consent shall file a copy of the consent with the
27 Iowa board of ethics and campaign finance within 20 days of
28 the consent being granted. The bill excludes from the
29 requirements for dual governmental employment volunteer work
30 and the ability of an official or state employee to seek
31 elected public office.

32 The bill provides that a member of the general assembly
33 shall not within two years after the termination of service
34 become an employee of an agency if the job responsibilities
35 would include appearing before or communicating with the

1 general assembly on behalf of the employing agency.

2 The term "agency" means a department, division, board,
3 commission, bureau, or office of the executive or legislative
4 branch of state government, the office of attorney general,
5 the state board of regents, community colleges, and the office
6 of the governor, including a regulatory agency, or any
7 department, division, board, commission, bureau, or office of
8 a political subdivision of the state, but does not include any
9 agricultural commodity promotional board, which is subject to
10 a producer referendum.

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