

MAR 2 2005
Place On Calendar

HOUSE FILE 536
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HSB 123)

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

A BILL FOR

1 An Act relating to dual governmental employment by executive
2 branch officials and state employees.

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

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HOUSE FILE 536

H-1203

1 Amend the amendment, H-1168, to House File 536, as
2 follows:
3 1. Page 1, by inserting after line 24 the
4 following:
5 "____. Page 1, by striking lines 13 through 17."
By RAECKER of Polk

H-1203 FILED MARCH 29, 2005
ADOPTED

HF 536

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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. This
29 section does not apply to members of the reserve forces of the
30 United States and members of the national guard as defined in
31 section 29A.1.

32 EXPLANATION

33 This bill relates to dual governmental employment by
34 executive branch officials and state employees.

35 The bill provides that an official or state employee shall

1 not perform services for or accept employment with a different
2 agency, the judicial branch, or any unit of the United States
3 government except when certain conditions are met, which
4 include obtaining consent from the agency for which the person
5 is an official or a state employee, that the performance of
6 services or employment does not violate any other provisions
7 of Code chapter 68B, and that the performance of services or
8 employment will not cause the official or state employee to
9 advocate on behalf of the newly associated governmental entity
10 before the agency which the official serves or by which the
11 state employee is employed. The bill provides that an agency
12 granting consent shall file a copy of the consent with the
13 Iowa board of ethics and campaign finance within 20 days of
14 the consent being granted. The bill excludes from the dual
15 governmental employment restrictions volunteer work, officials
16 or state employees seeking elected public office, and members
17 of the reserve forces of the United States and members of the
18 national guard.

19 The term "agency" means a department, division, board,
20 commission, bureau, or office of the executive or legislative
21 branch of state government, the office of attorney general,
22 the state board of regents, community colleges, and the office
23 of the governor, including a regulatory agency, or any
24 department, division, board, commission, bureau, or office of
25 a political subdivision of the state, but does not include any
26 agricultural commodity promotional board, which is subject to
27 a producer referendum.

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H-1168

1 Amend House File 536 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 8.7 REPORTING OF GIFTS
5 RECEIVED.

6 All gifts, bequests, and grants received by a
7 department and accepted by the governor on behalf of
8 the state shall be reported to the Iowa ethics and
9 campaign disclosure board and the government oversight
10 committees. The ethics and campaign disclosure board
11 shall, by January 31 of each year, submit to the
12 fiscal services division of the legislative services
13 agency a written report listing all gifts, bequests,
14 and grants received during the previous calendar year
15 with a value over one thousand dollars and the purpose
16 for each such gift, bequest, or grant. The submission
17 shall also include a listing of all gifts, bequests,
18 and grants received by a department from a person if
19 the cumulative value of all gifts, bequests, and
20 grants received by the department from the person
21 during the previous calendar year exceeds one thousand
22 dollars, and the ethics and campaign disclosure board
23 shall include, if available, the purpose for each such
24 gift, bequest, or grant."

25 2. Page 1, by inserting after line 31 the
26 following:

27 "Sec. ____ . NEW SECTION. 68B.22A IMPROPER
28 INFLUENCE.

29 1. An official or state employee shall not solicit
30 or accept anything of value for the benefit of any
31 state agency given pursuant to an understanding or
32 arrangement that the thing of value will influence the
33 act, vote, opinion, judgment, decision, or exercise of
34 discretion of the person with respect to the person's
35 services provided as an official or state employee.

36 2. This section shall not apply to the application
37 for or receipt of a grant obtained through a bona fide
38 written grant application process. This section shall
39 not apply to institutions under the control of the
40 state board of regents or the state historical society
41 of Iowa foundation."

42 3. Title page, by striking lines 1 and 2 and
43 inserting the following: "An Act relating to
44 employment and improper influence ethics issues for
45 executive branch officials and employees, and making
46 penalties applicable."

47 4. By renumbering as necessary.

By RAECKER of Polk

H-1168 FILED MARCH 23, 2005

HOUSE FILE 536
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HSB 123)

(As Amended and Passed by the House March 29, 2005)

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

A BILL FOR

1 An Act relating to dual governmental employment by executive
2 branch officials and state employees.

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

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Deleted Language *

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

16 3. The board shall adopt rules specifying the method by
17 which officials and state employees may obtain agency consent
18 under this section.

19 4. This section does not apply to services performed or
20 employment accepted if the official or state employee does not
21 receive any direct or indirect compensation for the services
22 or employment. This section does not apply to an official or
23 state employee as a candidate for elected public office. This
24 section does not apply to members of the reserve forces of the
25 United States and members of the national guard as defined in
26 section 29A.1.

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RAECKER

ALONS

THOMAS

Succeeded By
SF 10536

HSB 123
OVERSIGHT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON ALONS)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

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31 executive branch officials and state employees.

32 The bill provides that an official or state employee shall
33 not perform services for or accept employment with a different
34 agency, the judicial branch, or any unit of the United States
35 government except when certain conditions are met, which

1 include obtaining consent from the agency for which the person
2 is an official or a state employee, that the performance of
3 services or employment does not violate any other provisions
4 of Code chapter 68B, and that the performance of services or
5 employment will not cause the official or state employee to
6 advocate on behalf of the newly associated governmental entity
7 before the agency which the official serves or by which the
8 state employee is employed. The bill provides that an agency
9 granting consent shall file a copy of the consent with the
10 Iowa board of ethics and campaign finance within 20 days of
11 the consent being granted. The bill excludes from the
12 requirements for dual governmental employment volunteer work
13 and the ability of an official or state employee to seek
14 elected public office.

15 The term "agency" means a department, division, board,
16 commission, bureau, or office of the executive or legislative
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18 the state board of regents, community colleges, and the office
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22 agricultural commodity promotional board, which is subject to
23 a producer referendum.

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