

FILED FEB 18 1987

SENATE FILE 201
BY COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 3-23-87 (p. 837) Passed House, Date 4/22/87 (P. 1587)
Vote: Ayes 31 Nays 17 Vote: Ayes 60 Nays 33
Approved April 28, 1988

A BILL FOR

1 An Act related to the senate's review and confirmation of
2 gubernatorial appointments.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 201

S-3084

- 1 Amend Senate File 201 as follows:
- 2 1. Page 1, line 3, by striking the words "A person
- 3 whose appointment is".
- 4 2. Page 1, by striking lines 4 through 8.
- 5 3. Page 1, line 9, by striking the words "reason
- 6 for failure to file."

S-3084

Filed February 25, 1987 BY JULIA GENTLEMAN
Adopted & amended by 3182
3/23/87 (p. 837)

SENATE FILE 201

S-3085

- 1 Amend Senate File 201 as follows:
- 2 1. Page 1, by inserting after line 33 the following:
- 3 "Sec. _____. This Act, being deemed of immediate
- 4 importance, takes effect upon enactment."
- 5 2. Title, line 2, by inserting after the word "appointments"
- 6 the words ", and providing an effective date".

S-3085

Filed February 25, 1987 BY JOE J. WELSH
Adopted 3/23/87 (p. 837)

SENATE FILE 201

S-3182

- 1 Amend the Gentleman amendment, S-3084, to Senate
- 2 File 201, as follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 "_____. Page 1, line 6, by striking the word
- 6 "proof" and inserting the following: "a notarized
- 7 statement".
- 8 _____. Page 1, line 8, by striking the words "proof
- 9 of a" and inserting the following: "a notarized
- 10 statement of the".

S-3182

Filed March 17, 1987 BY PATRICK J. DELUHERY
Adopted 3/23/87 (p. 837)

1 Section 1. Section 2.32, subsection 6, Code 1987, is
2 amended by adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. A person whose appointment is
4 subject to senate confirmation shall make available to the
5 senate committee to which the appointment is referred, upon
6 the committee's request, proof that the person has filed
7 federal and state income tax returns for the three years im-
8 mediately preceding the appointment, or proof of a legal
9 reason for failure to file. If the appointment is to a board,
10 commission, council, or other body empowered to take disci-
11 plinary action, all records pertaining to any disciplinary
12 action taken by that board, commission, council, or body
13 against the person whose appointment is being reviewed by the
14 senate shall be made available to the senate committee to
15 which the appointment is referred upon its request.

16 NEW UNNUMBERED PARAGRAPH. All tax records, complaint
17 files, investigation files, other investigation reports, and
18 other investigative information in the possession of the
19 committee which relate to appointee tax filings or any past
20 disciplinary action against an appointee are privileged and
21 confidential except that they are subject to discovery,
22 subpoena, or other means of legal compulsion for their release
23 to a person other than the appointee.

24 Sec. 2. Section 147.12, Code 1987, is amended by adding
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. If a person who has been
27 appointed by the governor to serve on an examining board has
28 ever been disciplined by the board to which the person has
29 been appointed, all board records pertaining to the
30 disciplinary action shall be made available to the senate
31 committee to which the appointment is referred at the
32 committee's request before the full senate votes on the
33 person's appointment.

34 EXPLANATION

35 This bill allows the senate to require proof that

1 gubernatorial appointees who are subject to senate
2 confirmation have filed federal and state tax returns for the
3 three years preceding their appointment.

4 The bill also permits the senate to examine records
5 pertinent to a disciplinary action taken by an examining board
6 against a person who has been appointed by the governor to
7 serve on that board. The bill requires that such records be
8 made available to the senate committee to which the
9 appointment is referred at the committee's request before a
10 confirmation vote is taken on the person's appointment to the
11 board. Language is included which provides that such records
12 be kept confidential except to the extent to which they are
13 subject to various means of legal compulsion for their
14 release.

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1 Section 1. Section 2.32, subsection 6, Code 1987, is
2 amended by adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. A person whose appointment is
4 subject to senate confirmation shall make available to the
5 senate committee to which the appointment is referred, upon
6 the committee's request, a notarized statement that the person
7 has filed federal and state income tax returns for the three
8 years immediately preceding the appointment, or a notarized
9 statement of the legal reason for failure to file. If the
10 appointment is to a board, commission, council, or other body
11 empowered to take disciplinary action, all records pertaining
12 to any disciplinary action taken by that board, commission,
13 council, or body against the person whose appointment is being
14 reviewed by the senate shall be made available to the senate
15 committee to which the appointment is referred upon its
16 request.

17 NEW UNNUMBERED PARAGRAPH. All tax records, complaint
18 files, investigation files, other investigation reports, and
19 other investigative information in the possession of the
20 committee which relate to appointee tax filings or any past
21 disciplinary action against an appointee are privileged and
22 confidential except that they are subject to discovery,
23 subpoena, or other means of legal compulsion for their release
24 to a person other than the appointee.

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26 the following new unnumbered paragraph:

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28 appointed by the governor to serve on an examining board has
29 ever been disciplined by the board to which the person has
30 been appointed, all board records pertaining to the
31 disciplinary action shall be made available to the senate
32 committee to which the appointment is referred at the
33 committee's request before the full senate votes on the
34 person's appointment.

35 Sec. 3. This Act, being deemed of immediate importance,

1 takes effect upon enactment.

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SENATE FILE 201

H-3686

1 Amend Senate File 201 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 11, by striking the word
4 "records" and inserting the following: "complaints
5 and statements of charges, settlement agreements,
6 findings of fact, orders, exhibits, and transcripts".

7 2. Page 1, line 13, by inserting after the word
8 "body" the following: "in a contested case".

9 3. Page 1, by striking lines 20 through 22 and
10 inserting the following: "committee which relate to
11 appointee tax filings or complaints and statements of
12 charges, settlement agreements, findings of fact,
13 orders, exhibits, and transcripts from any past
14 disciplinary action in a contested case against the
15 appointee are privileged and confidential and they are
16 not subject to discovery,".

17 4. Page 1, line 24, by inserting after the word
18 "appointee" the following: "unless otherwise provided
19 by law".

20 5. Page 1, line 29, by inserting after the word
21 "disciplined" the following: "in a contested case".

22 6. Page 1, line 30, by striking the word
23 "records" and inserting the following: "complaints
24 and statements of charges, settlement agreements,
25 findings of fact, orders, exhibits, and transcripts".

H-3686 FILED APRIL 9, 1987 BY COMMITTEE ON STATE GOVERNMENT

*Adopted as amended by 3779
4/22/87 (p. 1586)*

SENATE FILE 201

H-3779

1 Amend the Committee on State Government amendment,
2 H-3686, to Senate File 201, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking line 6 and inserting the
5 following: "findings of fact, and orders".

6 2. Page 1, by striking line 13 and inserting the
7 following: "and orders from any past".

8 3. Page 1, by striking line 25 and inserting the
9 following: "findings of fact, and orders".

H-3779 FILED APRIL 15, 1987 BY RUNNING of Linn

Adopted 4/22/87 (p. 1586)

SEVENTY-SECOND GENERAL ASSEMBLY
1988 REGULAR SESSION

DAILY
SENATE CLIP SHEET

January 12, 1988

HOUSE AMENDMENT TO
SENATE FILE 201

S-4113

1 Amend Senate File 201 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 11, by striking the word
4 "records" and inserting the following: "complaints
5 and statements of charges, settlement agreements,
6 findings of fact, and orders".

7 2. Page 1, line 13, by inserting after the word
8 "body" the following: "in a contested case".

9 3. Page 1, by striking lines 20 through 22 and
10 inserting the following: "committee which relate to
11 appointee tax filings or complaints and statements of
12 charges, settlement agreements, findings of fact, and
13 orders from any past disciplinary action in a
14 contested case against the appointee are privileged
15 and confidential and they are not subject to
16 discovery,".

17 4. Page 1, line 24, by inserting after the word
18 "appointee" the following: "unless otherwise provided
19 by law".

20 5. Page 1, line 29, by inserting after the word
21 "disciplined" the following: "in a contested case".

22 6. Page 1, line 30, by striking the word
23 "records" and inserting the following: "complaints
24 and statements of charges, settlement agreements,
25 findings of fact, and orders".

S-4113

Filed May 10, 1987

Senate Committee 4/16/88 (p. 1729)

RECEIVED FROM THE HOUSE

SENATE FILE 201

AN ACT

RELATED TO THE SENATE'S REVIEW AND CONFIRMATION OF GUBERNATORIAL APPOINTMENTS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2.32, subsection 6, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A person whose appointment is subject to senate confirmation shall make available to the senate committee to which the appointment is referred, upon the committee's request, a notarized statement that the person has filed federal and state income tax returns for the three years immediately preceding the appointment, or a notarized statement of the legal reason for failure to file. If the appointment is to a board, commission, council, or other body empowered to take disciplinary action, all complaints and statements of charges, settlement agreements, findings of fact, and orders pertaining to any disciplinary action taken by that board, commission, council, or body in a contested case against the person whose appointment is being reviewed by the senate shall be made available to the senate committee to which the appointment is referred upon its request.

NEW UNNUMBERED PARAGRAPH. All tax records, complaint files, investigation files, other investigation reports, and other investigative information in the possession of the committee which relate to appointee tax filings or complaints and statements of charges, settlement agreements, findings of fact, and orders from any past disciplinary action in a contested case against the appointee are privileged and confidential and they are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the appointee unless otherwise provided by law.

Sec. 2. Section 147.12, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a person who has been appointed by the governor to serve on an examining board has ever been disciplined in a contested case by the board to which the person has been appointed, all board complaints and statements of charges, settlement agreements, findings of fact, and orders pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee's request before the full senate votes on the person's appointment.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

 JO ANN ZIMMERMAN
 President of the Senate

 DONALD D. AVENSON
 Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 201, Seventy-second General Assembly.

 JOHN F. DWYER
 Secretary of the Senate

Approved *April 28* 1988

 TERRI E. BRANSFORD
 Governor

SF 201