

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 6, “Executive Branch Ethics,” Iowa Administrative Code.

Iowa Code section 68B.2B prohibits a state official or employee from receiving compensation simultaneously from more than one executive branch agency unless the official or employee provides notice to the Board within 20 business days of accepting employment with the second state agency. Pursuant to Iowa Code section 68B.2B(2), the Board is directed to adopt rules to administer the statute. The proposed amendment implements the reporting form by which a state official or employee who is subject to the statute shall provide notice to the Board.

The proposed amendment does not contain a waiver provision. The requirement to provide notice is mandated by statute.

Any interested person may make written comments on the proposed amendment on or before June 22, 2010. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code section 68B.2B.

The following amendment is proposed.

Adopt the following **new** rule 351—6.6(68B):

351—6.6(68B) Dual executive branch compensation prohibited. Pursuant to Iowa Code section 68B.2B, an executive branch official or employee shall not receive compensation simultaneously from more than one executive branch agency unless the official or employee provides notice to the board within 20 business days of accepting employment with another executive branch agency.

6.6(1) Definitions. For purposes of Iowa Code section 68B.2B and this rule, the following definitions apply:

“*Executive branch agency*” means “agency of state government” or “state agency” as defined in Iowa Code section 68B.2(2). However, the “legislative branch” is not considered an “agency of state government” or “state agency” for purposes of Iowa Code section 68B.2B or this rule.

“*Employment with a second executive branch agency*” includes services provided as an independent contractor with another executive branch agency.

6.6(2) Exceptions. The prohibitions in Iowa Code section 68B.2B and this rule do not apply to the following:

- a. Employment with any governmental entity other than simultaneous employment with two or more executive branch agencies.
- b. Service in the Iowa national guard.
- c. An official or employee who is interchanged from one executive branch agency to another executive branch agency pursuant to Iowa Code chapter 28D unless the official or employee is simultaneously receiving compensation from both the “receiving agency” and the “sending agency.”
- d. Serving on the board, commission, or authority of two or more executive branch agencies.

6.6(3) Reporting form. An official or employee of the executive branch who accepts simultaneous employment with another executive branch agency shall file Form Dual-Comp within 20 business days

of accepting employment with the second executive branch agency. The form shall be filed with the board at 510 East 12th Street, Suite 1A, Des Moines, Iowa 50319; by fax at (515)281-4073; or as an E-mail attachment. The failure to timely file Form Dual-Comp may subject the executive branch official or employee to board sanctions under Iowa Code chapter 68B and rule 351—9.4(68B).