



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

March 6, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 52, an Act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Culver", followed by a long, horizontal, wavy line.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 52

AN ACT

RELATING TO ETHICS REGULATIONS FOR THE EXECUTIVE BRANCH,
LEGISLATIVE BRANCH, AND LOCAL OFFICIALS AND EMPLOYEES.

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

Section 1. Section 68B.2A, subsection 1, Code 2009, is amended to read as follows:

1. Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any ~~outside-employment-or-activity-which-is-in-conflict-with-the person's-official-duties-and-responsibilities.--In-determining whether-particular-outside-employment-or-activity-creates-an unacceptable-conflict-of-interest,-situations-in-which-an unacceptable-conflict-shall-be-deemed-to-exist-shall-include, but-not-to-be-limited-to,-any~~ of the following conduct:

a. ~~The-outside~~ Outside employment or ~~an~~ activity that involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or

pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. This paragraph does not apply to off-duty peace officers who provide private duty security or fire fighters or emergency medical care providers certified under chapter 147A who provide private duty fire safety or emergency medical services while carrying their badge or wearing their official uniform, provided that the person has secured the prior approval of the agency or political subdivision in which the person is regularly employed to engage in the activity. For purposes of this paragraph, a person is not "similarly situated" merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.

b. ~~The-outside~~ Outside employment or an activity that involves the receipt of, promise of, or acceptance of money or other consideration by the person, or a member of the person's immediate family, from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as a part of the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.

c. ~~The-outside~~ Outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment.

Sec. 2. Section 68B.2A, subsection 2, unnumbered paragraph 1, Code 2009, is amended to read as follows:

If the outside employment or activity is employment or activity described in subsection 1, paragraph "a" or "b", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "c", or constitutes ~~any other-unacceptable-conflict-of-interest~~ outside employment or an activity prohibited under rules adopted pursuant to subsection 4 or under the senate or house codes of ethics, unless otherwise provided by law, the person shall take one of the following courses of action:

Sec. 3. Section 68B.7, subsections 1 and 2, Code 2009, are amended to read as follows:

1. A person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee shall not within a period of two years after the termination of such service or employment ~~appear before the agency or~~ receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment.

2. A person who has served as the head of or on a commission or board of a regulatory agency or as a deputy thereof, shall not, within a period of two years after the termination of such service ~~accept~~ do any of the following:

a. Accept employment with that commission, board, or agency ~~or receive.~~

b. Receive compensation for any services rendered on behalf of any person, firm, corporation, or association in any case, proceedings, or application before the department with which the person so served wherein the person's compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit, or in promoting or opposing, directly or indirectly, the passage of bills or resolutions before either house of the general assembly.

Sec. 4. Section 68B.26, Code 2009, is amended to read as follows:

68B.26 ACTIONS COMMENCED.

1. Complaints regarding alleging conduct of local officials or local employees which violates this chapter, except for sections 68B.36, 68B.37, and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney.

2. Complaints alleging conduct of local officials or local employees which violates section 68B.36, 68B.37, or 68B.38, shall be filed with the ethics committee of the appropriate

house of the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch.

Sec. 5. Section 68B.35, subsection 5, Code 2009, is amended to read as follows:

5. a. A candidate for statewide office shall file a financial statement with the ethics and campaign disclosure board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning the year preceding the year in which the election is to be held. ~~The statement shall be filed no later than thirty days after the date on which a person is required to file nomination papers for state office under section 43.11, or, if the person is a candidate in a special election, as soon as practicable after the certification of the name of the nominee under section 43.88, but the statement shall be postmarked no later than seven days after certification.~~

b. The ethics and campaign disclosure board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house of representatives and the senate shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

Sec. 6. CODE EDITOR DIRECTIVES.

1. The Code editor shall create a new subchapter in chapter 68B and move sections 68B.25 and 68B.26 into the new subchapter.

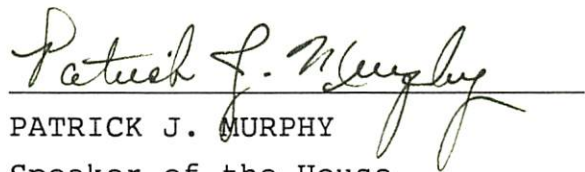
2. The Code editor shall consider modifying the headnote to section 68B.2A to read, "Prohibited Outside Employment and Activities -- Conflicts of Interest".

3. The Code editor shall consider modifying the headnote to section 68B.7 to read, "Prohibited Use of Influence".



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 52, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved March 6th, 2009



CHESTER J. CULVER

Governor