

Reprinted 3/87

MAR 6 1987

Place On Calendar

HOUSE FILE 427

BY COMMITTEE ON STATE GOVERNMENT

(Formerly House Study Bill 74)

Passed House, Date 3-11-87 (p.592) Passed Senate, Date 4-13-87 (p.1248)

Vote: Ayes 98 Nays 0 Vote: Ayes 47 Nays 0

Approved April 22, 1987

A BILL FOR

1 An Act relating to reprisals against state employees for certain
2 disclosures of information.

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

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HS 427

1 Section 1. Section 19A.19, unnumbered paragraph 4, Code
2 1987, is amended to read as follows:

3 A person shall not discharge an employee from or take or
4 fail to take action regarding an employee's appointment or
5 proposed appointment to, promotion or proposed promotion to,
6 or any advantage in, a position in a merit system administered
7 by, or subject to approval of, the director as a reprisal for
8 a disclosure of information by that employee to a member of
9 the general assembly, the legislative service bureau, the
10 legislative fiscal bureau, the citizens' aide, the computer
11 support bureau, or the respective caucus staffs of the general
12 assembly, or a disclosure of information which the employee
13 reasonably believes evidences a violation of law or rule,
14 mismanagement, a gross abuse of funds, an abuse of authority,
15 or a substantial and specific danger to public health or
16 safety. This subsection does not apply if the disclosure of
17 that information is prohibited by statute.

18 Sec. 2. Section 79.28, unnumbered paragraph 1, Code 1987,
19 is amended to read as follows:

20 A person shall not discharge an employee from or take or
21 fail to take action regarding an employee's appointment or
22 proposed appointment to, promotion or proposed promotion to,
23 or any advantage in, a position in a state employment system
24 administered by, or subject to approval of, a state agency as
25 a reprisal for a disclosure of information by that employee to
26 a member of the general assembly, the legislative service
27 bureau, the legislative fiscal bureau, the citizens' aide, the
28 computer support bureau, or the respective caucus staffs of
29 the general assembly, or a disclosure of information which the
30 employee reasonably believes evidences a violation of law or
31 rule, mismanagement, a gross abuse of funds, an abuse of
32 authority, or a substantial and specific danger to public
33 health or safety. This section does not apply if the
34 disclosure of that information is prohibited by statute.

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EXPLANATION

1 Sections 19A.19 and 79.28 prohibit reprisals against state
2 employees for disclosure of information to members of the
3 general assembly or specified legislative agencies. This bill
4 adds the citizens' aide and the computer support bureau to the
5 list of legislative agencies covered by the provisions.

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H-3158

1 Amend House File 427 as follows:

2 1. Page 1, by striking lines 18 through 34 and
3 inserting the following:

4 "Sec. 2. Section 79.28, Code 1987, is amended to
5 read as follows:

6 79.28 REPRISALS-PROHIBITED---STATE PROHIBITIONS
7 RELATING TO CERTAIN ACTIONS BY STATE EMPLOYEES --
8 PENALTY.

9 1. A person who serves as the head of a state
10 department or agency or otherwise serves in a
11 supervisory capacity within the executive branch of
12 state government shall not prohibit an employee of the
13 state from disclosing information to a member of the
14 general assembly, the legislative service bureau, the
15 legislative fiscal bureau, the citizens' aide, the
16 computer support bureau, or the respective caucus
17 staffs of the general assembly, or from disclosing
18 information which the employee reasonably believes
19 evidences a violation of law or rule, mismanagement, a
20 gross abuse of funds, an abuse of authority, or a
21 substantial and specific danger to public health or
22 safety.

23 2. A person shall not discharge an employee from
24 or take or fail to take action regarding an employee's
25 appointment or proposed appointment to, promotion or
26 proposed promotion to, or any advantage in, a position
27 in a state employment system administered by, or
28 subject to approval of, a state agency as a reprisal
29 for a disclosure of information by that employee to a
30 member of the general assembly, the legislative
31 service bureau, the legislative fiscal bureau, the
32 citizens' aide, the computer support bureau, or the
33 respective caucus staffs of the general assembly, or a
34 disclosure of information which the employee
35 reasonably believes evidences a violation of law or
36 rule, mismanagement, a gross abuse of funds, an abuse
37 of authority, or a substantial and specific danger to
38 public health or safety.

39 PARAGRAPH DIVIDED. 3. This section does
40 Subsections 1 and 2 do not apply if the disclosure of
41 that the information is prohibited by statute.

42 4. A person who violates subsection 1 or 2 commits
43 a simple misdemeanor.

44 5. A person shall not discharge an employee from
45 or take or fail to take action regarding an employee's
46 appointment or proposed appointment to, promotion or
47 proposed promotion to, or any advantage in, a position
48 in a state employment system administered by, or
49 subject to approval of, a state agency as a reprisal
50 for the employee's declining to participate in

Page Two

1 contributions or donations to charities or community
2 organizations."

3 2. Title page, by striking lines 1 and 2 and
4 inserting the following: "An Act relating to
5 reprisals and orders with respect to certain
6 disclosures of information by state employees, and
7 providing a penalty."

HOUSE FILE 427

H-3167

- 1 Amend amendment, H-3158, to House File 427 as
- 2 follows:
- 3 1. Page 1, line 32, by striking the following:
- 4 "the computer support bureau,".

BY DODERER of Johnson
BLANSHAN of Greene

H-3167 FILED MARCH 10, 1987

Rec'd 3/11/87 (p. 591)

HOUSE FILE 427

H-3168

- 1 Amend House File 427 as follows:
- 2 1. Page 1, lines 10 and 11, by striking the words
- 3 "the computer support bureau,".
- 4 2. Page 1, lines 27 and 28, by striking the words
- 5 "the computer support bureau,".

BY DODERER of Johnson
BLANSHAN of Greene

H-3168 FILED MARCH 10, 1987

7/10 3/11/87 (p. 591)

Sen. Ltr. 3/16/87 Do Pass 4/8/87 (p. 1647)

HOUSE FILE 427

BY COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House March 11, 1987)

Passed House, Date 3-11-87 (p. 592) Passed Senate, Date 4-13-87 (p. 1248)

Vote: Ayes 98 Nays 0 Vote: Ayes 47 Nays 0

Approved April 22, 1987 (p. 1593)

A BILL FOR

1 An Act relating to reprisals and orders with respect to certain
2 disclosures of information by state employees, and providing a
3 penalty.

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

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House Amendments _____

1 Section 1. Section 19A.19, unnumbered paragraph 4, Code
2 1987, is amended to read as follows:

3 A person shall not discharge an employee from or take or
4 fail to take action regarding an employee's appointment or
5 proposed appointment to, promotion or proposed promotion to,
6 or any advantage in, a position in a merit system administered
7 by, or subject to approval of, the director as a reprisal for
8 a disclosure of information by that employee to a member of
9 the general assembly, the legislative service bureau, the
10 legislative fiscal bureau, the citizens' aide, the computer
11 support bureau, or the respective caucus staffs of the general
12 assembly, or a disclosure of information which the employee
13 reasonably believes evidences a violation of law or rule,
14 mismanagement, a gross abuse of funds, an abuse of authority,
15 or a substantial and specific danger to public health or
16 safety. This subsection does not apply if the disclosure of
17 that information is prohibited by statute.

18 Sec. 2. Section 79.28, Code 1987, is amended to read as
19 follows:

20 79.28 REPRISALS-PROHIBITED---STATE PROHIBITIONS RELATING
21 TO CERTAIN ACTIONS BY STATE EMPLOYEES --PENALTY.

22 1. A person who serves as the head of a state department
23 or agency or otherwise serves in a supervisory capacity within
24 the executive branch of state government shall not prohibit an
25 employee of the state from disclosing information to a member
26 of the general assembly, the legislative service bureau, the
27 legislative fiscal bureau, the citizens' aide, the computer
28 support bureau, or the respective caucus staffs of the general
29 assembly, or from disclosing information which the employee
30 reasonably believes evidences a violation of law or rule,
31 mismanagement, a gross abuse of funds, an abuse of authority,
32 or a substantial and specific danger to public health or
33 safety.

34 2. A person shall not discharge an employee from or take
35 or fail to take action regarding an employee's appointment or

1 proposed appointment to, promotion or proposed promotion to,
2 or any advantage in, a position in a state employment system
3 administered by, or subject to approval of, a state agency as
4 a reprisal for a disclosure of information by that employee to
5 a member of the general assembly, the legislative service
6 bureau, the legislative fiscal bureau, the citizens' aide, the
7 computer support bureau, or the respective caucus staffs of
8 the general assembly, or a disclosure of information which the
9 employee reasonably believes evidences a violation of law or
10 rule, mismanagement, a gross abuse of funds, an abuse of
11 authority, or a substantial and specific danger to public
12 health or safety.

13 PARAGRAPH DIVIDED. 3. This-section-does Subsections 1 and
14 2 do not apply if the disclosure of that the information is
15 prohibited by statute.

16 4. A person who violates subsection 1 or 2 commits a
17 simple misdemeanor.

18 5. A person shall not discharge an employee from or take
19 or fail to take action regarding an employee's appointment or
20 proposed appointment to, promotion or proposed promotion to,
21 or any advantage in, a position in a state employment system
22 administered by, or subject to approval of, a state agency as
23 a reprisal for the employee's declining to participate in
24 contributions or donations to charities or community
25 organizations.

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HSB 74

STATE GOVERNMENT

SENATE/HOUSE FILE _____

BY (PREFILED CITIZENS' AIDE BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to reprisals against state employees for certain
2 disclosures of information.

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

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21 SUB COMMITTEE ASSIGNMENTS

22 CHAIR: *Penning*

23 COMMITTEE: *State Gov.*

1-27-87

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1 Section 1. Section 19A.19, unnumbered paragraph 4, Code
2 1987, is amended to read as follows:

3 A person shall not discharge an employee from or take or
4 fail to take action regarding an employee's appointment or
5 proposed appointment to, promotion or proposed promotion to,
6 or any advantage in, a position in a merit system administered
7 by, or subject to approval of, the director as a reprisal for
8 a disclosure of information by that employee to a member of
9 the general assembly, the legislative service bureau, the
10 legislative fiscal bureau, the citizens' aide, the computer
11 support bureau, or the respective caucus staffs of the general
12 assembly, or a disclosure of information which the employee
13 reasonably believes evidences a violation of law or rule,
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15 or a substantial and specific danger to public health or
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18 Sec. 2. Section 79.28, unnumbered paragraph 1, Code 1987,
19 is amended to read as follows:

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21 fail to take action regarding an employee's appointment or
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23 or any advantage in, a position in a state employment system
24 administered by, or subject to approval of, a state agency as
25 a reprisal for a disclosure of information by that employee to
26 a member of the general assembly, the legislative service
27 bureau, the legislative fiscal bureau, the citizens' aide, the
28 computer support bureau, or the respective caucus staffs of
29 the general assembly, or a disclosure of information which the
30 employee reasonably believes evidences a violation of law or
31 rule, mismanagement, a gross abuse of funds, an abuse of
32 authority, or a substantial and specific danger to public
33 health or safety. This section does not apply if the
34 disclosure of that information is prohibited by statute.

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EXPLANATION

1 Sections 19A.19 and 79.28 prohibit reprisals against state
2 employees for disclosure of information to members of the
3 general assembly or specified legislative agencies. This bill
4 adds the citizens' aide and the computer support bureau to the
5 list of legislative agencies covered by the provisions.

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HOUSE FILE 427

AN ACT

RELATING TO REPRISALS AND ORDERS WITH RESPECT TO CERTAIN
DISCLOSURES OF INFORMATION BY STATE EMPLOYEES, AND PROVIDING
A PENALTY.

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

Section 1. Section 19A.19, unnumbered paragraph 4, Code 1987, is amended to read as follows:

A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a merit system administered by, or subject to approval of, the director as a reprisal for a disclosure of information by that employee to a member of the general assembly, the legislative service bureau, the legislative fiscal bureau, the citizens' aide, the computer support bureau, or the respective caucus staffs of the general assembly, or a disclosure of information which the employee reasonably believes evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. This subsection does not apply if the disclosure of that information is prohibited by statute.

Sec. 2. Section 79.28, Code 1987, is amended to read as follows:

79.28 REPRISALS-FORBIDDEN---STATE PROHIBITIONS RELATING TO CERTAIN ACTIONS BY STATE EMPLOYEES -- PENALTY.

1. A person who serves as the head of a state department or agency or otherwise serves in a supervisory capacity within the executive branch of state government shall not prohibit an employee of the state from disclosing information to a member of the general assembly, the legislative service bureau, the legislative fiscal bureau, the citizens' aide, the computer support bureau, or the respective caucus staffs of the general assembly, or from disclosing information which the employee reasonably believes evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

2. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a disclosure of information by that employee to a member of the general assembly, the legislative service bureau, the legislative fiscal bureau, the citizens' aide, the computer support bureau, or the respective caucus staffs of the general assembly, or a disclosure of information which the employee reasonably believes evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

PARAGRAPH DIVIDED. 3. This section does Subsections 1 and 2 do not apply if the disclosure of that the information is prohibited by statute.

4. A person who violates subsection 1 or 2 commits a simple misdemeanor.

5. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system.

administered by, or subject to approval of, a state agency as a reprisal for the employee's declining to participate in contributions or donations to charities or community organizations.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 427, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 22, 1987

TERRY E. BRANSTAD
Governor