

REPRINTED

FEB 26 1996
STATE GOVERNMENT

HOUSE FILE 2324
BY HOUSER, VANDE HOEF, MARTIN, HAHN,
HANSON, GRUNDBERG, KREMER, KLEMME,
HURLEY, ERTL, BRAUNS, DAGGETT,
GREIG, HALVORSON, TYRRELL, EDDIE,
GARMAN, WELTER, GREINER, BRUNKHORST,
METCALF, CHURCHILL, FALLON, KREIMAN,
MERTZ, SHOULTZ, BAKER, MUNDIE,
COHOON, NELSON of Pottawattamie,
LARKIN, MAY, MYERS, and BERNAU

(COMPANION TO SF 2104
BY HAMMOND)

Passed House, ^(P.641) Date 3-12-96 Passed Senate, Date 3/26/96 (P.1052)
Vote: Ayes 94 Nays 0 Vote: Ayes 49 Nays 0
Approved April 16, 1996

A BILL FOR

- 1 An Act relating to state employee disclosures of information and
- 2 making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 2324

CONFIDENTIAL

1 Section 1. Section 19A.19, unnumbered paragraph 4, Code
2 1995, is amended to read as follow:

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 failure by that employee to inform the person that the
9 employee made a disclosure of information permitted by this
10 section, or for a disclosure of any information by that
11 employee to a member or employee of the general assembly, or
12 for a disclosure of information to any other public official
13 or law enforcement agency if the employee reasonably believes
14 the information evidences a violation of law or rule,
15 mismanagement, a gross abuse of funds, an abuse of authority,
16 or a substantial and specific danger to public health or
17 safety. However, an employee may be required to inform the
18 person that the employee made a disclosure of information
19 permitted by this section if the employee represented that the
20 disclosure was the official position of the employee's
21 immediate supervisor or employer. However, this This
22 paragraph does not apply if the disclosure of the information
23 is prohibited by statute.

24 Sec. 2. Section 70A.28, subsection 1, Code 1995, is
25 amended to read as follows:

26 1. A person who serves as the head of a state department
27 or agency or otherwise serves in a supervisory capacity within
28 the executive branch of state government shall not require an
29 employee of the state to inform the person that the employee
30 made a disclosure of information permitted by this section and
31 shall not prohibit an employee of the state from disclosing
32 any information to a member or employee of the general
33 assembly or from disclosing information to any other public
34 official or law enforcement agency if the employee reasonably
35 believes the information evidences a violation of law or rule,

1 mismanagement, a gross abuse of funds, an abuse of authority,
2 or a substantial and specific danger to public health or
3 safety. However, an employee may be required to inform the
4 person that the employee made a disclosure of information
5 permitted by this section if the employee represented that the
6 disclosure was the official position of the employee's
7 immediate supervisor or employer.

8 Sec. 3. Section 70A.28, subsection 2, Code 1995, is
9 amended to read as follows:

10 2. A person shall not discharge an employee from or take
11 or fail to take action regarding an employee's appointment or
12 proposed appointment to, promotion or proposed promotion to,
13 or any advantage in, a position in a state employment system
14 administered by, or subject to approval of, a state agency as
15 a reprisal for a failure by that employee to inform the person
16 that the employee made a disclosure of information permitted
17 by this section, or for a disclosure of any information by
18 that employee to a member or employee of the general assembly,
19 or a disclosure of information to any other public official or
20 law enforcement agency if the employee reasonably believes the
21 information evidences a violation of law or rule,
22 mismanagement, a gross abuse of funds, an abuse of authority,
23 or a substantial and specific danger to public health or
24 safety. However, an employee may be required to inform the
25 person that the employee made a disclosure of information
26 permitted by this section if the employee represented that the
27 disclosure was the official position of the employee's
28 immediate supervisor or employer.

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EXPLANATION

30 This bill provides that a person who serves in a
31 supervisory capacity within the executive branch of state
32 government shall not require an employee of the state to
33 inform that person that the employee made a disclosure of
34 information otherwise permitted by section 70A.28, relating to
35 public officers and employers, to be made to the general

1 assembly or any other public official or law enforcement
2 agency. The bill also provides that no adverse employment
3 decision can be made by a person involved with state govern-
4 ment as a reprisal for a state employee not informing that
5 person that a disclosure of information otherwise permitted by
6 section 19A.19, relating to the state merit employment system,
7 or section 70A.28, was made. However, the bill provides that
8 the employee may be required to inform the relevant person
9 that a disclosure was made if the employee represents that the
10 information is the official position of the employer. A
11 violation of this protection constitutes a simple misdemeanor
12 and the prohibition concerning employment reprisals can be
13 enforced through a civil action.

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HOUSE FILE 2324

H-5133

1 Amend House File 2324 as follows:

2 1. Page 2, by inserting after line 28 the
3 following:

4 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
5 of immediate importance, takes effect upon enactment."

6 2. Title page, line 2, by inserting after the
7 word "applicable" the following: "and providing an
8 effective date".

9 3. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
MARTIN of Scott, Chairperson

H-5133 FILED FEBRUARY 29, 1996

Adopted 3/12/96 (P.641)

Substituted for S. F. 2104 (as amended)

HOUSE FILE 2324

BY HOUSER, VANDE HOEF, MARTIN, HAHN,
HANSON, GRUNDBERG, KREMER, KLEMME,
HURLEY, ERTL, BRAUNS, DAGGETT,
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METCALF, CHURCHILL, FALLON, KREIMAN,
MERTZ, SHOULTZ, BAKER, MUNDIE,
COHOON, NELSON of Pottawattamie,
LARKIN, MAY, MYERS, and BERNAU

(COMPANION TO SF 2104
BY HAMMOND)

(As Amended and Passed by the House, March 12, 1996)

Re - Passed House, Date 4/2/96 (p. 1291) Passed Senate, Date 3/26/96 (p. 1052)
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0
Approved April 16, 1996

A BILL FOR

1 An Act relating to state employee disclosures of information and
2 making penalties applicable and providing an effective date.
3 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 1995, is amended to read as follow:

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 failure by that employee to inform the person that the
9 employee made a disclosure of information permitted by this
10 section, or for a disclosure of any information by that
11 employee to a member or employee of the general assembly, or
12 for a disclosure of information to any other public official
13 or law enforcement agency if the employee reasonably believes
14 the information evidences a violation of law or rule,
15 mismanagement, a gross abuse of funds, an abuse of authority,
16 or a substantial and specific danger to public health or
17 safety. However, an employee may be required to inform the
18 person that the employee made a disclosure of information
19 permitted by this section if the employee represented that the
20 disclosure was the official position of the employee's
21 immediate supervisor or employer. However, -this This
22 paragraph does not apply if the disclosure of the information
23 is prohibited by statute.

24 Sec. 2. Section 70A.28, subsection 1, Code 1995, is
25 amended to read as follows:

26 1. A person who serves as the head of a state department
27 or agency or otherwise serves in a supervisory capacity within
28 the executive branch of state government shall not require an
29 employee of the state to inform the person that the employee
30 made a disclosure of information permitted by this section and
31 shall not prohibit an employee of the state from disclosing
32 any information to a member or employee of the general
33 assembly or from disclosing information to any other public
34 official or law enforcement agency if the employee reasonably
35 believes the information evidences a violation of law or rule,

1 mismanagement, a gross abuse of funds, an abuse of authority,
2 or a substantial and specific danger to public health or
3 safety. However, an employee may be required to inform the
4 person that the employee made a disclosure of information
5 permitted by this section if the employee represented that the
6 disclosure was the official position of the employee's
7 immediate supervisor or employer.

8 Sec. 3. Section 70A.28, subsection 2, Code 1995, is
9 amended to read as follows:

10 2. A person shall not discharge an employee from or take
11 or fail to take action regarding an employee's appointment or
12 proposed appointment to, promotion or proposed promotion to,
13 or any advantage in, a position in a state employment system
14 administered by, or subject to approval of, a state agency as
15 a reprisal for a failure by that employee to inform the person
16 that the employee made a disclosure of information permitted
17 by this section, or for a disclosure of any information by
18 that employee to a member or employee of the general assembly,
19 or a disclosure of information to any other public official or
20 law enforcement agency if the employee reasonably believes the
21 information evidences a violation of law or rule,
22 mismanagement, a gross abuse of funds, an abuse of authority,
23 or a substantial and specific danger to public health or
24 safety. However, an employee may be required to inform the
25 person that the employee made a disclosure of information
26 permitted by this section if the employee represented that the
27 disclosure was the official position of the employee's
28 immediate supervisor or employer.

29 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
30 immediate importance, takes effect upon enactment.

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S-5523

1 Amend House File 2324, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 28, by inserting after the word
4 "executive" the following: "or legislative".

5 2. Page 2, by inserting after line 28 the
6 following:

7 "Sec. ____ . Section 70A.28, subsection 7, Code
8 1995, is amended to read as follows:

9 7. The director of the department of personnel or,
10 for employees of the general assembly or of the state
11 board of regents, the legislative council or the state
12 board of regents, respectively, shall provide
13 procedures for notifying new state employees of the
14 provisions of this section and shall periodically
15 conduct promotional campaigns to provide similar
16 information to all state employees. The information
17 shall include the toll-free telephone number of the
18 citizens' aide.

19 Sec. ____ . Section 70A.28, Code 1995, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 8. For purposes of this section,
22 "state employee" and "employee" includes, but is not
23 limited to, persons employed by the general assembly
24 and persons employed by the state board of regents."

25 3. By renumbering as necessary.

By ROD HALVORSON
JIM LIND
JOHNIE HAMMOND

S-5523 FILED MARCH 25, 1996

Adopted 3/26/96 (p. 1038)

SENATE AMENDMENT TO HOUSE FILE 2324

H-5645

- 1 Amend House File 2324, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 28, by inserting after the word
4 "executive" the following: "or legislative".
5 2. Page 2, by inserting after line 28 the
6 following:
7 "Sec. ____ . Section 70A.28, subsection 7, Code
8 1995, is amended to read as follows:
9 7. The director of the department of personnel or,
10 for employees of the general assembly or of the state
11 board of regents, the legislative council or the state
12 board of regents, respectively, shall provide
13 procedures for notifying new state employees of the
14 provisions of this section and shall periodically
15 conduct promotional campaigns to provide similar
16 information to all state employees. The information
17 shall include the toll-free telephone number of the
18 citizens' aide.
19 Sec. ____ . Section 70A.28, Code 1995, is amended by
20 adding the following new subsection:
21 NEW SUBSECTION. 8. For purposes of this section,
22 "state employee" and "employee" includes, but is not
23 limited to, persons employed by the general assembly
24 and persons employed by the state board of regents."
25 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5645 FILED MARCH 26, 1996

House concurred 4/2/96 (p. 1290)

HOUSE FILE 2324

AN ACT

RELATING TO STATE EMPLOYEE DISCLOSURES OF INFORMATION AND
MAKING PENALTIES APPLICABLE AND PROVIDING AN EFFECTIVE
DATE.

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

Section 1. Section 19A.19, unnumbered paragraph 4, Code 1995, 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 failure by that employee to inform the person that the employee made a disclosure of information permitted by this section, or for a disclosure of any information by that

employee to a member or employee of the general assembly, or for a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information 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. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer. ~~However, this~~ This paragraph does not apply if the disclosure of the information is prohibited by statute.

Sec. 2. Section 70A.28, subsection 1, Code 1995, is amended to read as follows:

1. A person who serves as the head of a state department or agency or otherwise serves in a supervisory capacity within the executive or legislative branch of state government shall not require an employee of the state to inform the person that the employee made a disclosure of information permitted by this section and shall not prohibit an employee of the state from disclosing any information to a member or employee of the general assembly or from disclosing information to any other public official or law enforcement agency if the employee reasonably believes the information 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. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

Sec. 3. Section 70A.28, subsection 2, Code 1995, is amended to read as follows:

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 failure by that employee to inform the person that the employee made a disclosure of information permitted by this section, or for a disclosure of any information by that employee to a member or employee of the general assembly, or a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information 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. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

Sec. 4. Section 70A.28, subsection 7, Code 1995, is amended to read as follows:

7. The director of the department of personnel or, for employees of the general assembly or of the state board of regents, the legislative council or the state board of regents, respectively, shall provide procedures for notifying new state employees of the provisions of this section and shall periodically conduct promotional campaigns to provide similar information to ~~all~~ state employees. The information shall include the toll-free telephone number of the citizens' aide.

Sec. 5. Section 70A.28, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 8. For purposes of this section, "state employee" and "employee" includes, but is not limited to, persons employed by the general assembly and persons employed by the state board of regents.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2324, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 16, 1996

TERRY E. BRANSTAD
Governor