

Substituted by H.F. 2324
3/26/96 (p. 1037)

1-30-96 State Gov.
5-2-21-96 Do Pass

(p. 599) 3/4/96 Motion to R.R. by Halverson & Lind
3/21/96 Motion to R.R. by Lind & Perreault

FILED JAN 30 1996

WITHDRAWN

SENATE FILE 2104
BY HAMMOND and DRAKE

(p. 581)

Passed Senate, Date 3/4/96 Passed House, Date _____
Vote: Ayes 49 Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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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S.F. 2104

WITHDRAWN

TLSB 3949SS 76
ec/jw/5

WVARS 1

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

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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SENATE FILE 2104

S-5149

1 Amend Senate File 2104 as follows:

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

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

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

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

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

18 NEW SUBSECTION. 8. For purposes of this section,
19 "state employee" and "employee" include, but is not
20 limited to, persons employed by the general assembly."

21 3. By renumbering as necessary.

Adopted 3/4/96 (p.581) - By JIM LIND Motion to R/C by Lind 3/4/96 (p.599)
S-5149 FILED FEBRUARY 29, 1996 *Motion prevailed 3/26/96 (p.1037)*
o/o

SENATE FILE 2104

S-5194

1 Amend the amendment, S-5149, to Senate File 2104 as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "assembly" the following: "or of the state board of
5 regents".

6 2. Page 1, line 10, by inserting after the word
7 "council" the following: "or the state board of
8 regents, respectively".

9 3. Page 1, line 19, by striking the word
10 "include" and inserting the following: "includes".

11 4. Page 1, line 20, by inserting after the word
12 "assembly" the following: "and persons employed by
13 the state board of regents".

By ROD HALVORSON
JIM LIND
JOHNIE HAMMOND

S-5194 FILED MARCH 5, 1996

WITHDRAWN 3/26/96 (p.1037)

SENATE FILE 2104

S-5522

1 Amend Senate File 2104 as follows:

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

4 "Sec. 4. 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".

By ROD HALVORSON
JIM LIND
JOHNIE HAMMOND

S-5522 FILED MARCH 25, 1996

*Adopted 3/26/96
(41637)*