

FEB 15 2006
STATE GOVERNMENT

HOUSE FILE 2380

BY PETTENGILL, DAVITT, HUNTER,
STRUYK, MERTZ, MCCARTHY, WISE,
PETERSEN, D. TAYLOR, SWAIM,
THOMAS, T. TAYLOR, JOCHUM,
LENSING, WESSEL-KROESCHELL,
GASKILL, HEDDENS, LYKAM, WHITEAD,
R. OLSON, FOEGE, REICHERT,
REASONER, SCHUELLER, WHITAKER,
BUKTA, and HUTTER

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act concerning disclosures of information by state employees
2 to a member or employee of the general assembly.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16

HF 2380

1 Section 1. Section 8A.417, subsection 4, Code 2005, is
2 amended to read as follows:

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

27 a. A disclosure of any information by that employee to a
28 member or employee of the general assembly if the information
29 can be used by the member or employee of the general assembly
30 in the performance of the member's or employee's duties,
31 regardless of whether the member or employee requested the
32 information.

33 b. A disclosure of 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.

4 Sec. 2. Section 70A.28, subsections 1 and 2, Code 2005,
5 are amended to read as follows:

6 1. A person who serves as the head of a state department
7 or agency or otherwise serves in a supervisory capacity within
8 the executive or legislative branch of state government shall
9 not prohibit an employee of the state from making a disclosure
10 of information permitted by this section or require an
11 employee of the state to inform the person that the employee
12 made a disclosure of information permitted by this section and
13 ~~shall not prohibit an employee of the state from disclosing~~
14 ~~any information to a member or employee of the general~~
15 ~~assembly or from disclosing information to any other public~~
16 ~~official or law enforcement agency if the employee reasonably~~
17 ~~believes the information evidences a violation of law or rule,~~
18 ~~mismanagement, a gross abuse of funds, an abuse of authority,~~
19 ~~or a substantial and specific danger to public health or~~
20 safety. However, an employee may be required to inform the
21 person that the employee made a disclosure of information
22 permitted by this section if the employee represented that the
23 disclosure was the official position of the employee's
24 immediate supervisor or employer.

25 2. A person shall not discharge an employee from or take
26 or fail to take action regarding an employee's appointment or
27 proposed appointment to, promotion or proposed promotion to,
28 or any advantage in, a position in a state employment system
29 administered by, or subject to approval of, a state agency as
30 a reprisal for making a disclosure of information permitted by
31 this section or for a failure by that employee to inform the
32 person that the employee made a disclosure of information
33 permitted by this section,~~or for a disclosure of any~~
34 ~~information by that employee to a member or employee of the~~
35 ~~general assembly, or a disclosure of information to any other~~

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

10 2A. For purposes of this section, "a disclosure of
11 information permitted by this section" includes any of the
12 following:

13 a. A disclosure of any information by that employee to a
14 member or employee of the general assembly if the information
15 can be used by the member or employee of the general assembly
16 in the performance of the member's or employee's duties,
17 regardless of whether the member or employee requested the
18 information.

19 b. A disclosure of information to any other public
20 official or law enforcement agency if the employee reasonably
21 believes the 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.

25 Sec. 3. Section 70A.29, subsection 1, Code 2005, is
26 amended to read as follows:

27 1. A person shall not discharge an employee from or take
28 or fail to take action regarding an employee's appointment or
29 proposed appointment to, promotion or proposed promotion to,
30 or any advantage in, a position in employment by a political
31 subdivision of this state as a reprisal for a disclosure of
32 ~~any information by-that-employee-to-a-member-or-employee-of~~
33 ~~the-general-assembly,-or-an-official-of-that-political~~
34 ~~subdivision-or-a-state-official-or-for-a-disclosure-of~~
35 ~~information-to-any-other-public-official-or-law-enforcement~~

1 agency-if-the-employee-reasonably-believes-the-information
2 evidences-a-violation-of-law-or-rule,-mismanagement,-a-gross
3 abuse-of-funds,-an-abuse-of-authority,-or-a-substantial-and
4 specific-danger-to-public-health-or-safety permitted by this
5 section. This section does not apply if the disclosure of the
6 information is prohibited by statute. For purposes of this
7 subsection, "a disclosure of information permitted by this
8 section" includes any of the following:

9 a. A disclosure of any information by that employee to a
10 member or employee of the general assembly if the information
11 can be used by the member or employee of the general assembly
12 in the performance of the member's or employee's duties,
13 regardless of whether the member or employee requested the
14 information.

15 b. A disclosure of information to any other public
16 official or law enforcement agency if the employee reasonably
17 believes the information evidences a violation of law or rule,
18 mismanagement, a gross abuse of funds, an abuse of authority,
19 or a substantial and specific danger to public health or
20 safety.

21 EXPLANATION

22 This bill prohibits a person from taking adverse personnel
23 action against a state employee who discloses any information
24 to a member or employee of the general assembly if the
25 information can be used by the member or employee in the
26 performance of the member's or employee's duties, regardless
27 of whether the member or employee requested the information.

28
29
30
31
32
33
34
35