

# House Study Bill 62

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ETHICS AND CAMPAIGN  
DISCLOSURE BOARD BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the ethical conduct of state and local  
2 officials and employees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1199DP 81  
5 tm/sh/8

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1 1 Section 1. NEW SECTION. 68B.2B EXECUTIVE BRANCH  
1 2 COMPENSATION.  
1 3 An official or state employee shall not receive  
1 4 compensation for engaging in the performance of the person's  
1 5 official state duties and functions from any entity other than  
1 6 the state agency headed by the official or the state agency  
1 7 with which the state employee is employed.  
1 8 Sec. 2. Section 68B.26, Code 2005, is amended to read as  
1 9 follows:  
1 10 68B.26 ACTIONS COMMENCED.  
1 11 Complaints regarding conduct of local officials or local  
1 12 employees, ~~except for persons elected to county office or~~  
1 13 ~~employed by a county,~~ which violates this chapter shall be  
1 14 filed with the county attorney in the county where the accused  
1 15 resides. ~~However, if the county attorney is the person~~  
1 16 ~~against whom the complaint is filed, or if the county attorney~~  
1 17 ~~otherwise has a personal or legal conflict of interest, the~~  
1 18 ~~complaint shall be referred to another county attorney.~~  
1 19 Sec. 3. Section 68B.32, subsection 1, Code 2005, is  
1 20 amended to read as follows:  
1 21 1. An Iowa ethics and campaign disclosure board is  
1 22 established as an independent agency. ~~Effective January 1,~~  
1 23 ~~1994, the~~ The board shall administer this chapter and set  
1 24 standards for, investigate complaints relating to, and monitor  
1 25 the ethics of officials, employees, lobbyists, and candidates  
1 26 for office in the executive branch of state government, and  
1 27 ~~persons elected to county office or employed by a county.~~ The  
1 28 board shall also administer and set standards for, investigate  
1 29 complaints relating to, and monitor the campaign finance  
1 30 practices of candidates for public office. The board shall  
1 31 consist of six members and shall be balanced as to political  
1 32 affiliation as provided in section 69.16. The members shall  
1 33 be appointed by the governor, subject to confirmation by the  
1 34 senate.  
1 35 Sec. 4. Section 68B.32A, subsection 12, Code 2005, is  
2 1 amended to read as follows:  
2 2 12. Establish rules relating to ethical conduct for  
2 3 persons holding a state office in the executive branch of  
2 4 state government, including candidates, and for employees of  
2 5 the executive branch of state government, and for persons  
2 6 ~~elected to county office or employed by a county,~~ and  
2 7 regulations governing the conduct of lobbyists of the  
2 8 executive branch of state government, including but not  
2 9 limited to conflicts of interest, abuse of office, misuse of  
2 10 public property, use of confidential information,  
2 11 participation in matters in which an official, ~~or~~ state  
2 12 employee, or a person elected to county office or employed by  
2 13 a county has a financial interest, and rejection of improper  
2 14 offers.  
2 15 Sec. 5. Section 68B.32B, subsection 1, Code 2005, is  
2 16 amended to read as follows:  
2 17 1. Any person may file a complaint alleging that a  
2 18 candidate, committee, person holding a state office in the  
2 19 executive branch of state government, employee of the

2 20 executive branch of state government, or other person has  
2 21 committed a violation of chapter 68A or rules adopted by the  
2 22 board. Any person may file a complaint alleging that a person  
2 23 holding a state office in the executive branch of state  
2 24 government, an employee of the executive branch of state  
2 25 government, a person holding an elected county office or  
2 26 employed by a county, or a lobbyist or a client of a lobbyist  
2 27 of the executive branch of state government has committed a  
2 28 violation of this chapter or rules adopted by the board. The  
2 29 board shall prescribe and provide forms for this purpose. A  
2 30 complaint must include the name and address of the  
2 31 complainant, a statement of the facts believed to be true that  
2 32 form the basis of the complaint, including the sources of  
2 33 information and approximate dates of the acts alleged, and a  
2 34 certification by the complainant under penalty of perjury that  
2 35 the facts stated to be true are true to the best of the

3 1 complainant's knowledge.  
3 2 Sec. 6. Section 68B.32D, subsection 1, paragraph f, Code  
3 3 2005, is amended to read as follows:

3 4 f. If the violation is a violation of this chapter or  
3 5 rules adopted by the board pursuant to this chapter and the  
3 6 violator is an elected official of the executive branch of  
3 7 state government or an elected official of county government,  
3 8 other than an official who can only be removed by impeachment,  
3 9 make a written recommendation to the attorney general or the  
3 10 appropriate county attorney that an action for removal from  
3 11 office be initiated pursuant to chapter 66.

3 12 EXPLANATION

3 13 This bill relates to the ethical conduct of state and local  
3 14 officials and employees.

3 15 The bill provides that an official or state employee shall  
3 16 not receive compensation for engaging in the performance of  
3 17 the person's official state duties from any entity other than  
3 18 the state agency headed by the official or the state agency  
3 19 with which the state employee is employed.

3 20 The bill provides that complaints regarding ethical conduct  
3 21 for persons elected to county office or employed by a county  
3 22 are to be filed with and investigated by the Iowa ethics and  
3 23 campaign disclosure board. Currently, such complaints  
3 24 regarding ethical conduct are filed with and investigated by  
3 25 the county attorney in the county where the accused resides.

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