

Senate File 2323 - Introduced

SENATE FILE 2323
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3086)

A BILL FOR

1 An Act relating to prohibitions and disclosure requirements
2 concerning outside employment or activities requiring
3 registration as a foreign agent and making penalties
4 applicable.

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

1 Section 1. Section 2.32, subsection 9, Code 2018, is amended
2 to read as follows:

3 9. A person whose appointment is subject to senate
4 confirmation shall make available to the senate committee
5 to which the appointment is referred, upon the committee's
6 request, a notarized statement that the person has filed
7 federal and state income tax returns for the three years
8 immediately preceding the appointment, or a notarized statement
9 of the legal reason for failure to file. In addition, a person
10 whose appointment is subject to senate confirmation shall make
11 available to the senate committee to which the appointment is
12 referred a notarized statement on whether the person has filed
13 a registration statement pursuant to the federal Foreign Agents
14 Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.
15 If the appointment is to a board, commission, council, or other
16 body empowered to take disciplinary action, all complaints and
17 statements of charges, settlement agreements, findings of fact,
18 and orders pertaining to any disciplinary action taken by that
19 board, commission, council, or body in a contested case against
20 the person whose appointment is being reviewed by the senate
21 shall be made available to the senate committee to which the
22 appointment is referred upon its request.

23 Sec. 2. NEW SECTION. **7E.8 Members of boards, committees,**
24 **commissions, and councils — disclosure requirements.**

25 A member of any board, committee, commission, or council who
26 was subject to senate confirmation pursuant to section 2.32
27 shall disclose to the appointing authority for that board,
28 committee, commission, or council if the member has filed
29 subsequent to senate confirmation a registration statement
30 pursuant to the federal Foreign Agents Registration Act of
31 1938, as amended, 22 U.S.C. §611 et seq.

32 Sec. 3. NEW SECTION. **8A.403 Hiring procedures — nonmerit**
33 **system positions.**

34 The department shall establish, by rule, procedures
35 providing for the hiring of employees by a state agency to

1 positions that are not covered by the merit system. The
2 procedures shall require that an applicant for employment to
3 a position that is not covered by the merit system disclose,
4 in writing, whether the applicant has filed a registration
5 statement pursuant to the federal Foreign Agents Registration
6 Act of 1938, as amended, 22 U.S.C. §611 et seq.

7 **Sec. 4. NEW SECTION. 8A.404 State employees — disclosure**
8 **requirements.**

9 An employee of a state agency shall disclose to the
10 hiring authority for that employee if the employee has filed
11 subsequent to hire a registration statement pursuant to the
12 federal Foreign Agents Registration Act of 1938, as amended,
13 22 U.S.C. §611 et seq.

14 **Sec. 5. NEW SECTION. 8A.405 Foreign agent registration**
15 **disclosures — penalty.**

16 A person who willfully violates section 8A.403, section
17 8A.404, or section 8A.413, subsection 5A, or rules adopted
18 pursuant to these provisions, is guilty of a serious
19 misdemeanor.

20 **Sec. 6.** Section 8A.413, Code 2018, is amended by adding the
21 following new subsection:

22 **NEW SUBSECTION. 5A.** For an applicant for employment in the
23 executive branch to disclose in the application for employment
24 whether the applicant has filed a registration statement
25 pursuant to the federal Foreign Agents Registration Act of
26 1938, as amended, 22 U.S.C. §611 et seq.

27 **Sec. 7. NEW SECTION. 68B.2C Prohibited outside employment**
28 **and activities — agents of foreign principals.**

29 Officials and state employees shall not engage in any
30 outside employment or activity that requires the person to
31 register under the federal Foreign Agents Registration Act, 22
32 U.S.C. §611 et seq., as amended.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to prohibitions and disclosure
2 requirements concerning outside employment or activities that
3 require a person to file a registration statement pursuant
4 to the federal Foreign Agents Registration Act of 1938, as
5 amended.

6 Code section 2.32, concerning senate confirmation of
7 gubernatorial appointments, is amended to provide that a person
8 whose appointment is subject to senate confirmation shall make
9 available to the senate committee to which the appointment is
10 referred a notarized statement on whether the person has filed
11 a registration statement pursuant to the federal Foreign Agents
12 Registration Act.

13 New Code section 7E.8 requires a member of any board,
14 committee, commission, or council who was subject to senate
15 confirmation to disclose to the appointing authority of that
16 member if the person has subsequently filed a registration
17 statement pursuant to the federal Foreign Agents Registration
18 Act.

19 New Code section 8A.403, concerning nonmerit state
20 employees, is created, and Code section 8A.413, concerning
21 state human resource management rules, is amended, to provide
22 that the department of administrative services adopt rules
23 requiring an applicant for employment in the executive branch
24 for both merit and nonmerit covered positions to disclose
25 whether the applicant has filed a registration statement
26 pursuant to the federal Foreign Agents Registration Act.

27 New Code section 8A.404 provides that an employee of a state
28 agency shall disclose to the hiring authority for that employee
29 if the employee has subsequently filed a registration statement
30 pursuant to the federal Foreign Agents Registration Act.

31 New Code section 8A.405 provides that an applicant for
32 state employment or a state employee who willfully fails to
33 disclose that the person has filed a registration statement
34 pursuant to the federal Foreign Agents Act is guilty of a
35 serious misdemeanor. A serious misdemeanor is punishable by

1 confinement for no more than one year and a fine of at least
2 \$315 but not more than \$1,875.

3 New Code section 68B.2C prohibits officials and state
4 employees from engaging in any outside employment or activity
5 that requires the person to register under the federal
6 Foreign Agents Registration Act. An "official" is defined in
7 Code section 68B.2 as all statewide elected officials, the
8 executive or administrative head or heads of an agency of
9 state government, the deputy executive or administrative head
10 or heads of an agency of state government, members of boards
11 or commissions as defined under Code section 7E.4, and heads
12 of the major subunits of departments or independent state
13 agencies whose positions involve a substantial exercise of
14 administrative discretion or the expenditure of public funds
15 as defined under rules of the board adopted in consultation
16 with the department or agency and pursuant to Code chapter
17 17A. "Official" does not include officers or employees of
18 political subdivisions of the state, members of the general
19 assembly, legislative employees, officers or employees of the
20 judicial branch of government who are not members or employees
21 of the office of attorney general, members of state government
22 entities which are or exercise the same type of authority
23 that is exercised by councils or committees as defined under
24 Code section 7E.4, or members of any agricultural commodity
25 promotional board, if the board is subject to a producer
26 referendum. A "state employee" is an employee of the executive
27 branch and does not include independent contractors. A
28 person who knowingly and intentionally violates this provision
29 is guilty of a serious misdemeanor and may be reprimanded,
30 suspended, or dismissed from the person's position or otherwise
31 sanctioned. A serious misdemeanor is punishable by confinement
32 for no more than one year and a fine of at least \$315 but not
33 more than \$1,875.