

Senate Study Bill 3086 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act requiring applicants and employees in state employment
2 or applicants or members of a board subject to senate
3 confirmation to disclose whether they have registered as
4 foreign agents and making penalties 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. Section 8A.413, Code 2018, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 5A. For an applicant for employment in the
17 executive branch to disclose in the application for employment
18 whether the applicant has filed a registration statement
19 pursuant to the federal Foreign Agents Registration Act of
20 1938, as amended, 22 U.S.C. §611 et seq.

21 EXPLANATION

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

24 This bill requires an appointee or appointed member of a
25 board subject to senate confirmation and an applicant for
26 employment or employee in the executive branch to disclose
27 whether the person has filed a registration statement pursuant
28 to the federal Foreign Agents Registration Act of 1938, as
29 amended.

30 Code section 2.32, concerning senate confirmation of
31 gubernatorial appointments, is amended to provide that a person
32 whose appointment is subject to senate confirmation shall make
33 available to the senate committee to which the appointment is
34 referred a notarized statement on whether the person has filed
35 a registration statement pursuant to the federal Foreign Agents

1 Registration Act.

2 New Code section 7E.8 requires a member of any board,
3 committee, commission, or council who was subject to senate
4 confirmation to disclose to the appointing authority of that
5 member if the person has subsequently filed a registration
6 statement pursuant to the federal Foreign Agents Registration
7 Act.

8 New Code section 8A.403, concerning nonmerit state
9 employees, is created, and Code section 8A.413, concerning
10 state human resource management rules, is amended, to provide
11 that the department of administrative services adopt rules
12 requiring an applicant for employment in the executive branch
13 for both merit and nonmerit covered positions to disclose
14 whether the applicant has filed a registration statement
15 pursuant to the federal Foreign Agents Registration Act.
16 Pursuant to Code section 8A.458, a person who willfully
17 violates rules adopted by the department pursuant to the
18 subchapter in Code chapter 8A concerning human resource
19 management is guilty of a simple misdemeanor. A simple
20 misdemeanor is punishable by confinement for no more than 30
21 days or a fine of at least \$65 but not more than \$625 or by
22 both.

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