

Senate File 236 - Introduced

SENATE FILE 236

BY DANIELSON

A BILL FOR

1 An Act relating to department of transportation contracts
2 involving former employees of the department, and making
3 penalties applicable.

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

1 Section 1. Section 68B.7, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. a. A person who has served as an official, state
4 employee of a state agency, member of the general assembly, or
5 legislative employee shall not within a period of two years
6 after the termination of such service or employment receive
7 compensation for any services rendered on behalf of any person,
8 firm, corporation, or association in relation to any case,
9 proceeding, or application with respect to which the person
10 was directly concerned and personally participated during the
11 period of service or employment.

12 b. (1) This subsection shall be construed to prohibit
13 former employees of the state department of transportation,
14 within a period of two years after the termination of such
15 employment, from receiving compensation for any services
16 rendered on behalf of any person, firm, corporation, or
17 association in relation to any contract with the department
18 involving matters related to the former employee's duties
19 during the period of employment with the department.

20 (2) The department shall not enter into a contract with
21 any person, firm, corporation, or association involving
22 matters related to a former employee's duties during the
23 period of employment with the department if the person, firm,
24 corporation, or association compensates the former employee for
25 any services rendered pursuant to the contract related to the
26 former employee's duties during the period of employment with
27 the department. A contract existing between the department
28 and a person, firm, corporation, or association is void if the
29 person, firm, corporation, or association compensates a former
30 employee of the department for any services rendered pursuant
31 to the contract related to the former employee's duties
32 during the period of employment with the department. This
33 subparagraph does not apply if more than two years have passed
34 since the termination of the former employee's employment with
35 the department.

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EXPLANATION

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

Under current law, a person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee is prohibited, within a period of two years after the termination of such service or employment, from receiving compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment.

This bill specifies that the provision prohibits former employees of the state department of transportation (DOT), within a period of two years after the termination of such employment, from receiving compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any contract with the DOT involving matters related to the former employee's duties during the period of employment with the DOT.

The bill prohibits the DOT from entering into a contract with any person, firm, corporation, or association involving matters related to a former employee's duties during the period of employment with the DOT if the person, firm, corporation, or association compensates the former employee for any services rendered pursuant to the contract related to the former employee's duties during the period of employment with the DOT.

The bill provides that a contract existing between the DOT and a person, firm, corporation, or association is void if the person, firm, corporation, or association compensates a former employee of the DOT for any services rendered pursuant to the contract related to the former employee's duties during the period of employment with the DOT.

The bill provides that these provisions do not apply if more

1 than two years have passed since the termination of the former
2 employee's employment with the DOT.

3 By operation of law, violations of the bill are subject to
4 oversight by the Iowa ethics and campaign disclosure board,
5 including associated complaint procedures, contested case
6 proceedings, penalties, and judicial review. Under Code
7 section 68B.34, a person who knowingly and intentionally
8 violates a provision of the bill is guilty of a serious
9 misdemeanor and may be reprimanded, suspended, or dismissed
10 from the person's position or otherwise sanctioned. A serious
11 misdemeanor is punishable by confinement for no more than one
12 year and a fine of at least \$315 but not more than \$1,875.