

House File 366 - Introduced

HOUSE FILE 366
BY JONES

A BILL FOR

1 An Act relating to government ethics of employees of a state
2 agency, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **68B.2D Prohibited use of evidences**
2 **of office or employment.**

3 A person who serves or is employed by a state agency shall
4 not use a badge, uniform, business card, electronic mail address,
5 or other evidences of office or employment while engaging in an
6 activity concerning a member of the general assembly that is
7 unrelated to the official duties of the person's employment or
8 service.

9 Sec. 2. Section 68B.31, subsection 4, paragraph a,
10 subparagraphs (3) and (4), Code 2025, are amended to read as
11 follows:

12 (3) Issue advisory opinions interpreting the intent of
13 constitutional and statutory provisions relating to legislators,
14 lobbyists, and clients of a lobbyist, and persons who serve or
15 are employed by a state agency as well as interpreting the code
16 of ethics and rules issued pursuant to this section. Opinions
17 shall be issued when approved by a majority of the six members
18 and may be issued upon the written request of a member of the
19 general assembly or upon the committee's initiation. Opinions
20 are not binding on the legislator, lobbyist, ~~or client,~~ or person
21 who serves or is employed by a state agency.

22 (4) Receive and hear complaints and charges against members
23 of its house, lobbyists, ~~or clients of a lobbyist,~~ and persons
24 who serve or are employed by a state agency alleging a violation
25 of the code of ethics, rules governing lobbyists, this chapter,
26 or other matters referred to it by its house or the independent
27 special counsel. The committee shall recommend rules for the
28 receipt and processing of findings of probable cause relating to
29 ethical violations of members of the general assembly, lobbyists,
30 ~~or clients of lobbyists,~~ or persons who serve or are employed by
31 a state agency during the legislative session and those received
32 after the general assembly adjourns.

33 Sec. 3. Section 68B.31, subsections 5 and 8, Code 2025, are
34 amended to read as follows:

35 5. Any person may file a complaint with the ethics committee

1 of either house alleging that a member of the general assembly,
2 lobbyist, ~~or~~ client of a lobbyist, or a person who serves or
3 is employed by a state agency before the general assembly has
4 committed a violation of this chapter. The ethics committee
5 shall prescribe and provide forms for this purpose. The
6 complaint shall include the name and address of the complainant
7 and a statement of the facts believed to be true that form the
8 basis of the complaint, including the sources of information and
9 approximate dates of the acts alleged and a certification by the
10 complainant under penalty of perjury that the facts stated to be
11 true are true to the best of the complainant's knowledge.

12 8. If a hearing on the complaint is ordered, the ethics
13 committee shall receive all admissible evidence, determine any
14 factual or legal issues presented during the hearing, and make
15 findings of fact based upon evidence received. Hearings shall be
16 conducted in the manner prescribed in section 17A.12. The rules
17 of evidence applicable under section 17A.14 shall also apply
18 in hearings before the ethics committee. Clear and convincing
19 evidence shall be required to support a finding that the member
20 of the general assembly, lobbyist, ~~or~~ client ~~before the general~~
21 ~~assembly of a lobbyist, or person who serves or is employed~~
22 by a state agency has committed a violation of this chapter.
23 Parties to a complaint may, subject to the approval of the ethics
24 committee, negotiate for settlement of disputes that are before
25 the ethics committee. Terms of any negotiated settlements shall
26 be publicly recorded. If a complaint is filed or initiated
27 less than ninety days before the election for a state office,
28 for which the person named in the complaint is the incumbent
29 officeholder, the ethics committee shall, if possible, set the
30 hearing at the earliest available date so as to allow the issue
31 to be resolved before the election. An extension of time for
32 a hearing may be granted when both parties mutually agree on an
33 alternate date for the hearing. The ethics committee shall make
34 every effort to hear all ethics complaints within three months
35 of the date that the complaints are filed. However, after three

1 months from the date of the filing of the complaint, extensions
2 of time for purposes of preparing for hearing may only be granted
3 by the ethics committee when the party charged in the complaint
4 with the ethics violation consents to an extension. If the party
5 charged does not consent to an extension, the ethics committee
6 shall not grant any extensions of time for preparation prior to
7 hearing. All complaints alleging a violation of this chapter
8 or the code of ethics shall be heard within nine months of the
9 filing of the complaint. Final dispositions of violations, which
10 the ethics committee has found to have been established by clear
11 and convincing evidence, shall be made within thirty days of the
12 conclusion of the hearing on the complaint.

13 EXPLANATION

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

16 Under current law, an ethics committee is established in the
17 senate and in the house of representatives. The ethics committee
18 of each chamber must, among other duties listed under Code
19 section 68B.31, receive and hear complaints and charges against
20 members of its chamber, lobbyists, or clients of a lobbyist
21 alleging a violation of the code of ethics, rules governing
22 lobbyists, Code chapter 68B (government ethics and lobbying),
23 or other matters referred to it by its chamber or independent
24 special counsel.

25 This bill amends Code chapter 68B to prohibit a person
26 who serves or is employed by a state agency from using a
27 badge, uniform, business card, electronic mail address, or other
28 evidences of office or employment while engaging in an activity
29 concerning a member of the general assembly that is unrelated
30 to the official duties of the person's employment or service.
31 The bill adds such persons to the jurisdiction of each chamber's
32 ethics committee. Any person may file an ethics complaint
33 against a person who violates the bill.

34 Under current law, any person may file a complaint with the
35 Iowa ethics and campaign disclosure board (board), which is an

1 independent agency established to oversee government ethics and
2 lobbying, alleging that a candidate, committee, person holding
3 a state office in the executive branch of state government,
4 employee of the executive branch of state government, or other
5 person has committed a violation of Code chapter 68A (campaign
6 finance), Code chapter 68B, or rules adopted by the board. A
7 person who violates the bill is also subject to a complaint filed
8 with the board.

9 A person who knowingly and intentionally violates the bill
10 is guilty of a serious misdemeanor and may be reprimanded,
11 suspended, or dismissed from the person's position or otherwise
12 sanctioned. A serious misdemeanor is punishable by confinement
13 for no more than one year and a fine of at least \$430 but not
14 more than \$2,560.

15 When used in the bill, "state agency" means a department,
16 division, board, commission, bureau, authority, or office of
17 the executive or legislative branch of state government, the
18 office of attorney general, the state board of regents,
19 community colleges, and the office of the governor, including
20 a regulatory agency, but does not include any agricultural
21 commodity promotional board, which is subject to a producer
22 referendum.