

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SALE OF GOODS AND SERVICES BY OFFICIALS OR EMPLOYEES OF THE IOWA UTILITIES BOARD (199 IAC 1.6)	DOCKET NO. RMU-06-4
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ORDER COMMENCING RULE MAKING

(Issued May 16, 2006)

Pursuant to the authority of Iowa Code §§ 17A.4 and 68B.4, and 351 IAC 6.11, the Utilities Board (Board) proposes to amend 199 IAC 1.6 as described in the "Notice of Intended Action" attached hereto and incorporated herein by reference. Currently 199 IAC 1.6 establishes a prohibition for sales of goods and services by an official or employee of the Board to persons subject to the regulatory authority of the Board except when the official or employee obtains written consent from the Board. The Iowa Legislature in 2005 Acts, chapter 76, § 3, now Iowa Code § 68B.4, required that the Iowa Ethics and Campaign Disclosure Board (Ethics Board) promulgate a rule that applies to all regulatory agencies, including the Board. The Ethics Board has promulgated the required rule at 351 IAC 6.11 and the Board in this rule making is proposing to amend 199 IAC 1.6 by rescinding the current provisions and adding a reference to the new rule promulgated by the Ethics Board.

IT IS THEREFORE ORDERED:

1. A rule making proceeding identified as Docket No. RMU-06-4 is commenced for the purpose of receiving comments on the proposed amendments and rescission in the notice attached hereto and incorporated herein by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 16th day of May, 2006.

UTILITIES DIVISION [199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4 and 68B.4 and 351 IAC 6.11, the Utilities Board (Board) gives notice that on May 16, 2006, the Board issued an order in Docket No. RMU-06-4, In re: Sale of Goods and Services by Officials or Employees of the Iowa Utilities Board (199 IAC 1.6), "Order Commencing Rule Making." The proposed amendment is required because of recent legislation, Iowa Code section 68B.4, that requires the Ethics and Campaign Disclosure Board (Ethics Board) to adopt a rule regarding the sale of goods and services by officials and employees of regulatory agencies, including the Board. The Ethics Board has adopted 351 IAC 6.11 and the Board is proposing to amend 199 IAC 1.6 to rescind the current provisions and add a reference to the new Ethics Board rule. The order containing the background and support for this rule making can be found on the Board's Web site, www.state.ia.us/iub.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before June 27, 2006, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested or the Board on its own motion after reviewing the statements may determine that an oral presentation should be scheduled.

These amendments are intended to implement Iowa Code sections 17A.4 and 68B.4 and 351 IAC 6.11.

The following amendment is proposed.

Item 1. Amend rule **199—1.6(68B)** as follows:

199—1.6(68B) Consent for the sale of goods and services. An official or employee shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the board without complying with the provisions of rule 351—6.11 of the Iowa ethics and campaign disclosure board.

Item 2. Rescind subrules **199—1.6(1)-(9)**.

May 16, 2006

/s/ John R. Norris

John R. Norris
Chairman