

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 ADOPTING AMENDMENT

(Issued July 26, 2006)

Pursuant to the authority of Iowa Code §§ 17A.4 and 68B.4, and 351 IAC 6.11, the Utilities Board (Board) is adopting an amendment to rule 199 IAC 1.6 as described in the "Adopted and Filed" notice attached hereto and incorporated herein by reference. The amendment is being adopted to bring the Board into compliance with the requirements in 2005 Acts, chapter 76, § 3, now Iowa Code § 68B.4, that required the Iowa Ethics and Campaign Disclosure Board (Ethics Board) to promulgate a rule that applies to all regulatory agencies, including the Board, concerning the sales of goods and services by employees. The Ethics Board promulgated the required rule at 351 IAC 6.11 and the Board in this rule making is amending 199 IAC 1.6 by rescinding the current provisions and adding a reference to the new rule promulgated by the Ethics Board.

A "Notice of Intended Action" with the proposed amendment was published in IAB Vol. XXVIII, No. 25 (6/7/06) p. 1795, as ARC 5156B. Comments concerning the proposed amendment were filed by the Consumer Advocate Division of the

Department of Justice (Consumer Advocate) and the Ethics Board. No oral presentation was scheduled or requested.

Consumer Advocate stated that it did not object to the proposed amendment. The Ethics Board stated that after the Board issued its Notice, the Legislature passed HB 2593, Sec. 2, which further amended Iowa Code § 698B.4 to include "leases" and "leasing" under the statutory prohibitions. The legislation was signed into law on May 31, 2006, and the Ethics Board recommends that the Board revise the proposed amendment to include the words "or lease" after the word "sale" in the title and in the first sentence of the proposed amendment.

The Board will revise the amendment as recommended by the Ethics Board.

The revised amendment that will be adopted by the Board states as follows:

1.6(68B) Consent for the sale or lease of goods and services. An official or employee shall not sell or lease, 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.

IT IS THEREFORE ORDERED:

1. A rule making identified as Docket No. RMU-06-4 is adopted.

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

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Margaret Munson
Executive Secretary, Deputy

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 26th day of July, 2006.

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, Iowa Code Supplement section and 68B.4, and 351 IAC 6.11(68B), the Utilities Board (Board) gives notice that on July 26, 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 Adopting Amendment." The amendment brings the Board into compliance with recent legislation, Iowa Code Supplement 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 adopted 351 IAC 6.11(68B) and the Board is amending 199 IAC 1.6(68B) by rescinding the current provisions and adopting new language that refers to the Ethics Board rule.

A "Notice of Intended Action" with the proposed amendment was published in IAB Vol. XXVIII, No. 25 (6/7/06) p. 1795, as ARC 5156B. Comments were filed by the Consumer Advocate Division of the Department of Justice (Consumer Advocate) and the Ethics Board. No oral presentation was scheduled or requested. The Ethics Board suggested that the proposed amendment be revised to include leases as required by legislation enacted this past legislative session, after the Board issued its notice of intended action. Consumer Advocate indicated it did not oppose the amendment. The Board is adopting the revisions suggested by the Ethics Board.

The order containing a discussion of the comments and the support for this rule making can be found on the Board's Web site, www.state.ia.us/iub.

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

The amendment shall become effective September 20, 2006.

The following amendment is adopted.

Item 1. Amend rule 199—1.6(68B), introductory paragraph, as follows:

199—1.6(68B) Consent for the sale or lease of goods and services. An official or employee shall not sell or lease, 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(68B) of the Iowa ethics and campaign disclosure board.

Item 2. Rescind subrules **1.6(1)** to **1.6(9)**.

July 26, 2006

/s/ John R. Norris

John R. Norris
Chairman