

JAN 14 2002

COMMERCE AND REGULATION

HOUSE FILE 2002
BY JOHNSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the internet, by restricting advertising by
2 governmental entities.

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

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HF 2002

1 Section 1. Section 4.1, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9A. "Internet" means the federated
4 international system that is composed of allied electronic
5 communication networks linked by telecommunication channels,
6 that uses standardized protocols, and that facilitates
7 electronic communication services, including but not limited
8 to use of the world wide web; the transmission of electronic
9 mail or messages; the transfer of files and data or other
10 electronic information; and the transmission of voice, image,
11 and video.

12 Sec. 2. Section 14B.101, Code Supplement 2001, is amended
13 by adding the following new subsections:

14 NEW SUBSECTION. 0A. "Advertise" means to present a
15 commercial message that is accessible using an information
16 technology device, if the commercial message is presented for
17 the purpose of promoting real property, goods, or services for
18 sale, lease, barter, or auction.

19 NEW SUBSECTION. 2A. "Executive branch entity" means the
20 office of the governor or any agency.

21 DIVISION III

22 STATE USE OF COMPUTER TECHNOLOGY

23 Sec. 3. NEW SECTION. 14B.301 ADVERTISING PROHIBITED.

24 1. An executive branch entity shall not control an
25 internet site that is used to distribute electronic
26 information, including a public record, if the electronic
27 information is presented with an advertisement or is the point
28 of origin for an electronic link to another internet site that
29 presents an advertisement.

30 2. For purposes of this section, an executive branch
31 entity is deemed to control an internet site, if the
32 distribution of electronic information accessible from the
33 internet site is made by any of the following:

34 a. An employee of an executive branch entity while
35 performing functions associated with employment.

1 b. A person who uses an executive branch entity's
2 information technology device.

3 c. Another person, if the site is used to distribute
4 electronic information, including a public record, originating
5 from the state, and the advertising is approved by the
6 executive branch entity.

7 3. This section does not apply to an internet site
8 controlled by an executive branch entity, if any of the
9 following apply:

10 a. The internet site is the point of destination by a link
11 from another internet site that is not controlled by an
12 executive branch entity.

13 b. The advertisement is presented for the purpose of
14 promoting real property, goods, or services for sale, lease,
15 barter, or auction by a governmental entity.

16 EXPLANATION

17 This bill restricts the use of the internet for advertising
18 by executive branch entities.

19 First, the bill defines the term "internet" in Code section
20 4.1 to ensure that it has a uniform definition whenever used
21 in the Code (the term has not been previously defined).

22 The bill restricts advertising by executive branch entities
23 that maintain an internet presence. Generally, the bill
24 prohibits an entity from controlling an internet site that is
25 used to distribute electronic information, including a public
26 record, if the electronic information is presented with an
27 advertisement or is the point of origin for an electronic link
28 to another internet site that presents an advertisement. The
29 executive branch entity may exercise control directly or
30 indirectly under contract in which the entity approves the
31 advertising. The prohibition does not apply to an internet
32 site that is the point of destination by a link from another
33 internet site that is not controlled by an executive branch
4 entity. It also does not apply to an advertisement presented
5 for the purpose of promoting real property, goods, or services

S.F. _____ H.F. 2002

1 for sale, lease, barter, or auction by a governmental entity.

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