

FILED MAR 27 2006

SENATE FILE 2393

BY COMMITTEE ON GOVERNMENT  
OVERSIGHT

(SUCCESSOR TO SSB 3160)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to violations of Iowa's noncompetition by  
2 government law and providing penalties and remedies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2393

1 Section 1. Section 23A.4, Code 2005, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 23A.4 COMPLAINTS.

5 1. Any person alleging a violation of this chapter may  
6 file a complaint with the Iowa ethics and campaign disclosure  
7 board. The board may issue opinions, adopt rules, receive  
8 complaints, conduct investigations, and hold hearings in order  
9 to administer the provisions of this chapter. If the board  
10 determines a violation of this chapter has occurred, the board  
11 may take any of the following actions:

12 a. Issue an order requiring the violator to cease and  
13 desist from the violation.

14 b. Issue an order requiring the violator to take any  
15 remedial action deemed appropriate by the board.

16 c. Issue an order requiring the violator to pay a civil  
17 penalty of not more than two thousand dollars for each  
18 violation of this chapter.

19 Judicial review of the actions of the board may be sought  
20 in accordance with chapter 17A. Judicial enforcement of  
21 orders of the board may be sought in accordance with chapter  
22 17A.

23 2. The office of citizens' aide may review violations of  
24 this chapter and make recommendations as provided in chapter  
25 2C.

26 EXPLANATION

27 Code chapter 23A generally restricts competition by  
28 government entities with private enterprise, and Code section  
29 23A.4 provides for injunctive relief through judicial review  
30 as a remedy for abuse, along with the possibility of review by  
31 the office of citizens' aide. This bill eliminates current  
32 provisions for injunctive relief and gives the Iowa ethics and  
33 campaign disclosure board jurisdiction to investigate and  
34 adjudicate violations of the Code chapter. Remedies and  
35 penalties which may be imposed by the board are: issuing a

1 cease and desist order; issuing an order requiring the  
2 violator to take any remedial action deemed appropriate; or  
3 issuing an order requiring the violator to pay a civil penalty  
4 of not more than \$2,000 for each violation of this chapter or  
5 rules adopted by the board. Judicial review of board actions  
6 and judicial enforcement of board orders are available in  
7 accordance with Code chapter 17A.

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SENATE FILE 2393

H-8572

1 Amend Senate File 2393, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 68A.407 DISCLOSURES  
6 RELATED TO POLITICAL TELEPHONE CALLS.

7 1. A candidate, an authorized representative of a  
8 candidate, a candidate's committee, a political  
9 committee, or an individual who is acting on behalf of  
10 any of the above and who engages in a telephone  
11 communication that identifies by name a candidate  
12 shall disclose all of the following by the end of the  
13 telephone call:

14 a. The identity of the individual who is calling  
15 and the entity with which the individual is  
16 affiliated, if any.

17 b. The individual or entity that paid for the  
18 telephone communication. If a candidate's committee  
19 or political committee has paid for or authorized the  
20 telephone communication, the name of the candidate's  
21 committee or political committee shall be disclosed.  
22 If any person other than a candidate's committee or  
23 political committee has paid for or authorized the  
24 telephone communication, the communication shall also  
25 disclose whether or not the communication has been  
26 authorized by any candidate and shall disclose whether  
27 the communication is an independent expenditure.

28 c. The name, telephone number, and address of an  
29 individual whom the call recipient can contact for  
30 further information regarding the telephone  
31 communication.

32 2. The board shall adopt rules pursuant to chapter  
33 17A establishing procedures to administer this  
34 section."

35 2. Title page, line 2, by inserting after the  
36 word "law" the following: "and campaign finance and  
37 disclosure law".

38 3. By renumbering as necessary.

By WISE of Lee

H-8572 FILED APRIL 25, 2006

SENATE FILE 2393

H-8620

1 Amend the amendment, H-8572, to Senate File 2393,  
2 as passed by the Senate, as follows:

3 1. Page 1, line 34, by inserting after the word  
4 "section." the following: "This section shall not  
5 apply to a bona fide public opinion poll which does  
6 not attempt, in any way, to influence the recipient of  
7 the call.""

By WISE of Lee

H-8620 FILED MAY 2, 2006

Lundby co-chair  
Connolly co-chair

SSB# 3160  
Government Oversight

Succeeded By  
SF/HF 2393

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
GOVERNMENT OVERSIGHT BILL  
BY CO-CHAIRPERSON LUNDBY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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