

CHAPTER 1072STATE GOVERNMENT ADVERTISEMENTS
FOR REQUESTS FOR BIDS AND PROPOSALS — INTERNET POSTING

H.F. 2536

AN ACT relating to advertisements for requests for bids and proposals by state government.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 73.2, Code 2001, is amended to read as follows:

73.2 ADVERTISEMENTS FOR BIDS — FORM.

1. All requests hereafter made for bids and proposals for materials, products, supplies, provisions, and other needed articles to be purchased at public expense, shall be made in general terms and by general specifications and not by brand, trade name, or other individual mark. All such requests and bids shall contain ~~therein~~ a paragraph in easily legible print, reading as follows:

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa.

2. In addition to any method of advertisement required by law, any executive branch agency, the general assembly, and the judicial branch shall advertise any request for bids and proposals on the official state internet site operated by the information technology department. An electronic link to an internet site maintained by an executive branch agency, the general assembly, or the judicial branch on which requests for bids and proposals for that agency or for the general assembly or judicial branch are posted satisfies the requirements of this subsection.

Approved April 4, 2002

CHAPTER 1073

CAMPAIGN FINANCE REGULATION

H.F. 2538

AN ACT relating to campaign finance, including a reporting threshold for filing organizational committee statements, providing for the filing of reports with the Iowa ethics and campaign disclosure board, providing a document retention period, and relating to certain signature requirements, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 56.2, subsection 5, Code 2001, is amended to read as follows:

5. "Candidate's committee" means the committee designated by the candidate for a state, county, city, or school office to receive contributions in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, expend funds in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate in any calendar year.

Sec. 2. Section 56.2, subsection 18, Code 2001, is amended to read as follows:

18. "Political committee" means either of the following:

a. A committee, but not a candidate's committee, that accepts contributions in excess of five seven hundred fifty dollars in the aggregate, makes expenditures in excess of five seven hundred fifty dollars in the aggregate, or incurs indebtedness in excess of five seven hundred fifty dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office, or to expressly advocate the passage or defeat of a ballot issue.

b. An association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization that accepts contributions in excess of five seven hundred fifty dollars in the aggregate, makes expenditures in excess of five seven hundred fifty dollars in the aggregate, or incurs indebtedness in excess of five seven hundred fifty dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office, or to expressly advocate the passage or defeat of a ballot issue.

Sec. 3. Section 56.4, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

56.4 REPORTS FILED WITH BOARD.

1. All statements and reports required to be filed under this chapter shall be filed with the board. The board shall provide copies of all statements and reports filed under this chapter for a county, city, school, or other political subdivision with the commissioner responsible under section 47.2.

2. The board shall retain filed statements and reports for at least five years from the date of the election in which the committee is involved, or at least five years from the certified date of dissolution of the committee, whichever date is later.

3. The commissioner shall retain statements and reports provided by the board for a county, city, school, or other political subdivision for at least three years from the date of the election in which the committee is involved. However, statements and reports provided by the board for county statutory political committees shall be retained for five years from the date of the election in which the committee is involved.

4. Political committees expressly advocating the nomination, election, or defeat of candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section 56.5.

Sec. 4. Section 56.5, subsection 2, paragraph f, Code 2001, is amended to read as follows:

f. A signed statement by the treasurer of the committee and the candidate, in the case of a candidate's committee, which shall verify that they are aware of the requirement to file disclosure reports if the committee, the committee officers, the candidate, or both the committee officers and the candidate receive contributions in excess of five seven hundred fifty dollars in the aggregate, make expenditures in excess of five seven hundred fifty dollars in the aggregate, or incur indebtedness in excess of five seven hundred fifty dollars in the aggregate in a calendar year to expressly advocate the nomination, election, or defeat of any candidate for public office. In the case of political committees, statements shall be made by the treasurer of the committee and the chairperson.

Sec. 5. Section 56.5, subsection 5, Code 2001, is amended to read as follows:

5. A committee or organization not organized as a committee under this section which makes a contribution to a candidate's committee or political committee organized in Iowa shall disclose each contribution to the board. A committee or organization not organized as

a committee under this section which is not registered and filing full disclosure reports of all financial activities with the federal election commission or another state's disclosure commission shall register and file full disclosure reports with the board pursuant to this chapter, and shall either appoint an eligible Iowa elector as committee or organization treasurer, or shall maintain all committee funds in an account in a financial institution located in Iowa. A committee which is currently filing a disclosure report in another jurisdiction shall either file a statement of organization under subsections 1 and 2 and file disclosure reports, the same as those required of committees organized only in Iowa, under section 56.6, or shall file one copy of a verified statement with the board and a second copy with the treasurer of the committee receiving the contribution. The form shall be completed and filed at the time the contribution is made. The verified statement shall be on forms prescribed by the board and shall attest that the committee is filing reports with the federal election commission or in a jurisdiction with reporting requirements which are substantially similar to those of this chapter, and that the contribution is made from an account which does not accept contributions which would be in violation of section 56.15. The form shall include the complete name, address, and telephone number of the contributing committee, the state or federal jurisdiction under which it is registered or operates, the identification of any parent entity or other affiliates or sponsors, its purpose, the name, ~~and address, and signature~~ of an Iowa resident authorized to receive service of original notice and the name and address of the receiving committee, the amount of the cash or in-kind contribution, and the date the contribution was made.

Sec. 6. Section 56.5A, subsection 1, Code 2001, is amended to read as follows:

1. Each candidate for state, county, city, or school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, makes expenditures in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, or incurs indebtedness in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate in a calendar year.

Sec. 7. Section 56.6, subsection 1, paragraph a, Code 2001, is amended to read as follows:

a. Each treasurer of a committee shall file with the board ~~or commissioner~~ disclosure reports of contributions received and disbursed on forms prescribed by rules as provided by chapter 17A. The reports from all committees, except those committees for municipal and school elective offices and for local ballot issues, shall be filed on the nineteenth day or mailed bearing a United States postal service postmark dated on or before the nineteenth day of January, May, July, and October of each year. The May, July, and October reports shall be current as of five days prior to the filing deadline. The January report shall be the annual report covering activity through December 31. However, a state, county, or city statutory political committee is not required to file the May and July reports for a year in which no primary or general election is held at the respective state, county, or city level. A candidate's committee, other than for municipal and school elective offices, for a year in which the candidate is not standing for election, is not required to file the May, July, and October reports. Reports for committees for a ballot issue placed before the voters of the entire state shall be filed at the January, May, July, and October deadlines.

Sec. 8. Section 56.6, subsection 2, Code 2001, is amended to read as follows:

2. If any committee, after having filed a statement of organization or one or more disclosure reports, dissolves or determines that it shall no longer receive contributions or make disbursements, the treasurer of the committee shall notify the board ~~or the commissioner~~ within thirty days following such dissolution by filing a dissolution report on forms prescribed by the board. Moneys refunded in accordance with a dissolution statement shall be considered a disbursement or expense but the names of persons receiving refunds need not be released or reported unless the contributors' names were required to be reported when the contribution was received.

Sec. 9. Section 56.13, Code 2001, is amended to read as follows:

56.13 INDEPENDENT EXPENDITURES.

1. Action involving a contribution or expenditure ~~which that~~ must be reported under this chapter and ~~which that~~ is taken by any person, candidate's committee, or political committee on behalf of a candidate, if known and approved by the candidate, shall be deemed action by the candidate and reported by the candidate's committee. It shall be presumed that a candidate approves the action if the candidate had knowledge of it and failed to file a statement of disavowal with the ~~commissioner or~~ board and take corrective action within seventy-two hours of the action. A person, candidate's committee, or political committee taking such action independently of that candidate's committee shall notify that candidate's committee in writing within twenty-four hours of taking the action. The notification shall provide that candidate's committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the board.

Any person who makes expenditures or incurs indebtedness, other than incidental expenses incurred in performing volunteer work, to expressly advocate the nomination, election, or defeat of a candidate for public office shall notify the appropriate committee and provide necessary information for disclosure reports.

2. If a person, other than a political committee, makes one or more expenditures in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, or incurs indebtedness in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, in any one calendar year to expressly advocate the passage or defeat of a ballot issue, the person shall file a statement of activity within ten days of taking the action exceeding the threshold. The statement shall contain information identifying the person filing the statement, identifying the ballot issue, and indicating the position urged by the person with regard to the ballot issue. The person shall file reports indicating the dates on which the expenditures or incurrence of indebtedness took place; a description of the nature of the action taken which resulted in the expenditures or debt; and the cost of the promotion at fair market value. For a local ballot issue, the reports shall be filed five days prior to any election in which the ballot issue appears and on the first day of the month following the election, as well as on the nineteenth day of January, May, and July of each year in which the ballot issue appears on the ballot and on the nineteenth day of January and October of each year in which the ballot issue does not appear on the ballot. For a statewide ballot issue, reports shall be filed on the nineteenth day of January, May, and July of each year. The reports shall be current to five days prior to the filing deadline, and are considered timely filed if mailed bearing a United States postal service postmark on or before the due date. Filing obligations shall cease when the person files a statement of discontinuation indicating that the person's financial activity to expressly advocate the passage or defeat of the ballot issue has ceased. Statements and reports shall be filed with the ~~commissioner responsible under section 47.2 for conducting the election at which the issue is voted upon, except that reports on a statewide ballot issue shall be filed with the board.~~

3. A person taking action involving the making of an expenditure or incurrence of indebtedness to expressly advocate the passage or defeat of a ballot issue independently of a political committee shall, within seventy-two hours of taking the action, notify in writing any political committee ~~which that~~ advocates the same position with regard to the ballot issue as the person taking the action. The notification shall provide the political committee with the cost of the promotion at fair market value. A copy of the notification shall be sent to the board. It shall be presumed that a benefited committee approves the action if the committee fails to file a statement of disavowal with the ~~commissioner or~~ board and takes corrective action within ten days of the action. Action approved by a committee shall be reported as a contribution by the committee.

4. This section shall not be construed to require duplicate reporting of anything reported under this chapter by a political committee except that actions ~~which that~~ constitute contribu-

tions in kind shall be reported by the benefited committee. This section shall not be construed to require reporting of action by any person ~~which~~ that does not constitute a contribution.

Sec. 10. Section 68B.2, subsection 5, Code 2001, is amended to read as follows:

5. "Candidate's committee" means the committee designated by a candidate for a state, county, city, or school office, as provided under chapter 56, to receive contributions in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, expend funds in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of ~~five~~ seven hundred ~~fifty~~ dollars in the aggregate in any calendar year.

Sec. 11. EFFECTIVE DATES. This Act, being deemed of immediate importance, takes effect upon enactment, except for the amendment in this Act to section 56.4, which takes effect January 1, 2003.

Approved April 4, 2002

CHAPTER 1074

CHILD ABUSE ASSESSMENT INTERVIEWS

H.F. 2552

AN ACT relating to interviews conducted in association with a child abuse assessment.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.71B, subsection 4, paragraph e, Code Supplement 2001, is amended to read as follows:

e. An interview of the person alleged to have committed the child abuse, if the person's identity and location are known, ~~The offer of an interview shall be made to the person prior to any consideration or determination being made that the person committed the alleged abuse. The purpose of the interview shall be to afford provide the person with the opportunity to address the explain or rebut the allegations of the child abuse report or other allegations made during the assessment. The interview shall be conducted, or an opportunity for an interview shall be provided, prior to a determination of child abuse being made.~~ The court may waive the requirement of ~~to offer the interview only~~ for good cause. The person offered an interview or the person's attorney may decline to be interviewed.

Sec. 2. Section 235A.13, subsection 10, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A recording made of an interview conducted under chapter 232 in association with a child abuse assessment.

Approved April 4, 2002