

House File 500

H-1418

1 Amend House File 500 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68B.32A, subsections 6, 9, 12,  
4 and 19, Code 2011, are amended to read as follows:

5 6. Prepare and publish a manual setting forth  
6 examples of approved uniform systems of accounts and  
7 approved methods of disclosure for use by persons  
8 required to file statements and reports under this  
9 chapter, chapter 68A, and section 8.7. The board shall  
10 also prepare and publish other educational materials,  
11 and any other reports or materials deemed appropriate  
12 by the board. The board shall annually provide all  
13 officials and state employees with notification of the  
14 contents of this chapter, chapter 68A, ~~and~~ section  
15 8.7, and section 455B.103, subsection 1, paragraph  
16 "d", by distributing copies of educational materials  
17 to each agency of state government under the board's  
18 jurisdiction.

19 9. Establish and impose penalties, and  
20 recommendations for punishment of persons who are  
21 subject to penalties of or punishment by the board or  
22 by other bodies, for the failure to comply with the  
23 requirements of this chapter, chapter 68A, ~~or~~ section  
24 8.7, or section 455B.103, subsection 1, paragraph "d".

25 12. Establish a procedure for requesting and  
26 issuing board advisory opinions to persons subject  
27 to the authority of the board under this chapter,  
28 chapter 68A, ~~or~~ section 8.7, or section 455B.103,  
29 subsection 1, paragraph "d". Local officials and local  
30 employees may also seek an advisory opinion concerning  
31 the application of the applicable provisions of this  
32 chapter. Advice contained in board advisory opinions  
33 shall, if followed, constitute a defense to a complaint  
34 alleging a violation of this chapter, chapter 68A,  
35 section 8.7, section 455B.103, subsection 1, paragraph  
36 "d", or rules of the board that is based on the same  
37 facts and circumstances.

38 19. Impose penalties upon, or refer matters  
39 relating to, persons who provide false information to  
40 the board during a board investigation of a potential  
41 violation of this chapter, chapter 68A, section 8.7,  
42 section 455B.103, subsection 1, paragraph "d", or  
43 rules of the board. The board shall adopt rules to  
44 administer this subsection.

45 Sec. \_\_\_\_\_. Section 68B.32B, subsection 1, Code 2011,  
46 is amended to read as follows:

47 1. Any person may file a complaint alleging that  
48 a candidate, committee, person holding a state office  
49 in the executive branch of state government, employee  
50 of the executive branch of state government, or other

1 person has committed a violation of chapter 68A or  
2 rules adopted by the board. Any person may file  
3 a complaint alleging that a person holding a state  
4 office in the executive branch of state government, an  
5 employee of the executive branch of state government,  
6 or a lobbyist or a client of a lobbyist of the  
7 executive branch of state government has committed  
8 a violation of this chapter or rules adopted by the  
9 board. Any person may file a complaint alleging a  
10 violation of section 8.7 or rules adopted by the board.  
11 Any person may file a complaint alleging a violation  
12 of section 455B.103, subsection 1, paragraph "d". The  
13 board shall prescribe and provide forms for purposes  
14 of this subsection. A complaint must include the  
15 name and address of the complainant, a statement of  
16 the facts believed to be true that form the basis of  
17 the complaint, including the sources of information  
18 and approximate dates of the acts alleged, and a  
19 certification by the complainant under penalty of  
20 perjury that the facts stated to be true are true to  
21 the best of the complainant's knowledge.

22 Sec. \_\_\_\_\_. Section 68B.32B, subsection 4, paragraph  
23 a, Code 2011, is amended to read as follows:

24 a. Facts that would establish a violation of a  
25 provision of this chapter, chapter 68A, section 8.7,  
26 section 455B.103, subsection 1, paragraph "d", or rules  
27 adopted by the board.

28 Sec. \_\_\_\_\_. Section 68B.32B, subsections 8 and 9,  
29 Code 2011, are amended to read as follows:

30 8. The purpose of an investigation by the board's  
31 staff is to determine whether there is probable cause  
32 to believe that there has been a violation of this  
33 chapter, chapter 68A, section 8.7, section 455B.103,  
34 subsection 1, paragraph "d", or of rules adopted by the  
35 board. To facilitate the conduct of investigations,  
36 the board may issue and seek enforcement of subpoenas  
37 requiring the attendance and testimony of witnesses and  
38 subpoenas requiring the production of books, papers,  
39 records, and other real evidence relating to the  
40 matter under investigation. Upon the request of the  
41 board, an appropriate county attorney or the attorney  
42 general shall assist the staff of the board in its  
43 investigation.

44 9. If the board determines on the basis of an  
45 investigation by board staff that there is probable  
46 cause to believe the existence of facts that would  
47 establish a violation of this chapter, chapter 68A,  
48 section 8.7, section 455B.103, subsection 1, paragraph  
49 "d", or of rules adopted by the board, the board  
50 may issue a statement of charges and notice of a

1 contested case proceeding to the complainant and to  
2 the person who is the subject of the complaint, in  
3 the manner provided for the issuance of statements of  
4 charges under chapter 17A. If the board determines  
5 on the basis of an investigation by staff that there  
6 is no probable cause to believe that a violation has  
7 occurred, the board shall close the investigation,  
8 dismiss any related complaint, and the subject of the  
9 complaint shall be notified of the dismissal. If the  
10 investigation originated from a complaint filed by a  
11 person other than the board, the person making the  
12 complaint shall also be notified of the dismissal.

13 Sec. \_\_\_\_\_. Section 68B.32C, subsections 1 and 3,  
14 Code 2011, are amended to read as follows:

15 1. Contested case proceedings initiated as a result  
16 of the issuance of a statement of charges pursuant to  
17 section 68B.32B, subsection 9, shall be conducted in  
18 accordance with the requirements of chapter 17A. Clear  
19 and convincing evidence shall be required to support  
20 a finding that a person has violated this chapter,  
21 section 8.7, section 455B.103, subsection 1, paragraph  
22 "d", or any rules adopted by the board pursuant to  
23 this chapter. A preponderance of the evidence shall  
24 be required to support a finding that a person has  
25 violated chapter 68A or any rules adopted by the board  
26 pursuant to chapter 68A. The case in support of the  
27 statement of charges shall be presented at the hearing  
28 by one of the board's attorneys or staff unless, upon  
29 the request of the board, the charges are prosecuted  
30 by another legal counsel designated by the attorney  
31 general. A person making a complaint under section  
32 68B.32B, subsection 1, is not a party to contested case  
33 proceedings conducted relating to allegations contained  
34 in the complaint.

35 3. Upon a finding by the board that the party  
36 charged has violated this chapter, chapter 68A, section  
37 8.7, section 455B.103, subsection 1, paragraph "d",  
38 or rules adopted by the board, the board may impose  
39 any penalty provided for by section 68B.32D. Upon a  
40 final decision of the board finding that the party  
41 charged has not violated this chapter, chapter 68A,  
42 section 8.7, section 455B.103, subsection 1, paragraph  
43 "d", or the rules of the board, the complaint shall  
44 be dismissed and the party charged and the original  
45 complainant, if any, shall be notified.

46 Sec. \_\_\_\_\_. Section 68B.32D, subsection 1, unnumbered  
47 paragraph 1, Code 2011, is amended to read as follows:

48 The board, after a hearing and upon a finding that a  
49 violation of this chapter, chapter 68A, section 8.7,  
50 section 455B.103, subsection 1, paragraph "d", or rules

1 adopted by the board has occurred, may do one or more  
2 of the following:

3 Sec. \_\_\_\_\_. Section 68B.32D, subsection 1, paragraphs  
4 c, d, and h, Code 2011, are amended to read as follows:

5 c. Issue an order requiring the violator to file  
6 any report, statement, or other information as required  
7 by this chapter, chapter 68A, section 8.7, section  
8 455B.103, subsection 1, paragraph "d", or rules adopted  
9 by the board.

10 d. Publicly reprimand the violator for violations  
11 of this chapter, chapter 68A, section 8.7, section  
12 455B.103, subsection 1, paragraph "d", or rules adopted  
13 by the board in writing and provide a copy of the  
14 reprimand to the violator's appointing authority.

15 h. Issue an order requiring the violator to pay a  
16 civil penalty of not more than two thousand dollars for  
17 each violation of this chapter, chapter 68A, section  
18 8.7, section 455B.103, subsection 1, paragraph "d", or  
19 rules adopted by the board.>

20 2. Page 3, after line 16 by inserting:

21 <d. Any oral, telephonic, or other undocumented  
22 communication relating to the director's rulemaking  
23 authority or the director's authority to establish  
24 fees that includes the director, a person accountable  
25 to the director, or a person to whom the director  
26 is accountable shall be electronically recorded or  
27 otherwise documented and made available to both the  
28 commission and the public at no cost in a format easily  
29 accessible to the general public. Such recordings and  
30 all written communications or documentation relating  
31 to these authorities are subject to chapter 22. A  
32 person may file a complaint pursuant to section 68B.32B  
33 alleging a violation of this paragraph.>

34 3. By renumbering as necessary.

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ISENHART of Dubuque