

House File 2643

H-8303

1 Amend the amendment, H-8276, to House File 2643, as follows:

2 1. Page 13, after line 34 by inserting:

3 <DIVISION ____

4 OVERSIGHT BY LEGISLATIVE COUNCIL

5 Sec. ____ . OVERSIGHT BY LEGISLATIVE COUNCIL. For the fiscal
6 year beginning July 1, 2020, and ending June 30, 2021, all of
7 the following apply:

8 1. On or before September 30, 2020, and on or before
9 December 31, 2020, the department of management shall submit
10 to the legislative council a detailed list of all expenditures
11 made from moneys received by the state from the federal
12 coronavirus relief fund created pursuant to the federal
13 Coronavirus Aid, Relief, and Economic Security Act, Pub. L.
14 No. 116-136. In addition, the department of management shall
15 notify the legislative council of any contract or agreement
16 with a private entity for the expenditure of such moneys,
17 including the name of the private entity and the amount to be
18 expended, within fourteen days after the contract or agreement
19 takes effect.

20 2. The department of management shall not expend more than
21 \$10,000,000 collectively during the fiscal year on any one
22 contract, agreement, or purpose without the approval of the
23 legislative council.

24 3. The department of management shall not make an
25 interdepartmental or intradepartmental transfer under section
26 8.39 of more than \$2,000,000 or otherwise transfer more than
27 \$2,000,000 collectively during the fiscal year from any one
28 fund or account to any other fund or account without the
29 approval of the legislative council.

30 DIVISION ____

31 COMPETITIVE BIDDING

32 Sec. ____ . COMPETITIVE BIDDING REINSTATEMENT.

33 Notwithstanding any provision of a proclamation of disaster
34 emergency issued by the governor during 2020 relating to
35 COVID-19 to the contrary, competitive bidding procedures

1 otherwise required for state agencies pursuant to Code chapters
2 8A and 8B shall be followed and not be altered or waived unless
3 for an immediate public health need.

4 Sec. _____. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 DIVISION ____

7 FEDERAL FUND PREFERENCE

8 Sec. _____. IOWA BUSINESSES — FEDERAL FUND PREFERENCE. As
9 a condition of expending any money received from the federal
10 coronavirus relief fund created pursuant to the federal
11 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No.
12 116-136, any state agency authorized to enter into a contract
13 to expend such funds shall give first preference in awarding a
14 contract to an Iowa-based business.

15 Sec. _____. EFFECTIVE DATE. This division of this Act, being
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION ____

18 COMPLIANCE — AMERICANS WITH DISABILITIES ACT

19 Sec. _____. COMPLIANCE — AMERICANS WITH DISABILITIES
20 ACT. Any public or private entity that is the ultimate
21 recipient of federal funds received and disbursed by the state
22 shall comply with the federal Americans with Disabilities Act
23 of 1990, 42 U.S.C. §12101 et seq., as a condition of receiving
24 the federal funds from the state.

25 DIVISION ____

26 COVID-19 FUNDING ANNOUNCEMENT RESTRICTIONS

27 Sec. _____. COVID-19 FUNDING — ANNOUNCEMENT. The governor
28 or any other person of the executive branch shall not announce
29 the award of federal funding related to COVID-19 within six
30 weeks before or on the day of a general election or within six
31 weeks before the commencement of absentee voting for a general
32 election or during the absentee-voting period for a general
33 election.

34 DIVISION ____

35 CAMPAIGN CONTRIBUTION DISCLOSURE BY PUBLIC BOARD MEMBERS

1 is guilty of a serious misdemeanor and may be reprimanded,
2 suspended, or dismissed from the person's position or otherwise
3 sanctioned.

4 Sec. _____. APPLICABILITY. The following applies to
5 employment entered into between a member of the general
6 assembly and an agency or the judicial branch on or after the
7 effective date of this division of this Act:

8 The section of this Act enacting section 68B.9.

9

DIVISION ____

10

OPEN MEETINGS AND PUBLIC RECORDS

11 Sec. _____. Section 21.2, subsection 1, Code 2020, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. k. A group self-insurance program that was
14 established in 1986 that provides liability insurance pursuant
15 to section 670.7 to at least fifty percent of the counties in
16 this state.

17 Sec. _____. Section 22.1, subsection 1, Code 2020, is amended
18 to read as follows:

19 1. "Government body" means this state, or any county,
20 city, township, school corporation, political subdivision,
21 tax-supported district, nonprofit corporation other than a
22 fair conducting a fair event as provided in [chapter 174](#), whose
23 facilities or indebtedness are supported in whole or in part
24 with property tax revenue and which is licensed to conduct
25 pari-mutuel wagering pursuant to [chapter 99D](#); the governing
26 body of a drainage or levee district as provided in chapter
27 468, including a board as defined in [section 468.3](#), regardless
28 of how the district is organized; a group self-insurance
29 program that was established in 1986 that provides liability
30 insurance pursuant to section 670.7 to at least fifty percent
31 of the counties in this state; or other entity of this state,
32 or any branch, department, board, bureau, commission, council,
33 committee, official, or officer of any of the foregoing or any
34 employee delegated the responsibility for implementing the
35 requirements of [this chapter](#).

1 DIVISION ____
2 CAMPAIGN FINANCE

3 Sec. ____ . Section 68A.102, subsection 10, paragraph a,
4 subparagraph (2), Code 2020, is amended to read as follows:

5 (2) The payment, by any person other than a candidate or
6 political committee who receives the service, of compensation
7 for the personal services of another person which are rendered
8 to a candidate or political committee for any such purpose.

9 Sec. ____ . Section 68A.102, subsection 10, paragraph a, Code
10 2020, is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (3) A coordinated expenditure if the
12 expenditure must be reported pursuant to subchapter IV.

13 Sec. ____ . Section 68A.102, subsections 14 and 18, Code 2020,
14 are amended to read as follows:

15 14. a. "*Express advocacy*" or ~~to~~ "*expressly advocate*" means
16 communication that can be characterized according to at least
17 one of the following descriptions:

18 ~~a.~~ (1) The communication is political speech made in the
19 form of a contribution.

20 ~~b.~~ (2) In advocating the election or defeat of one or more
21 clearly identified candidates or the passage or defeat of one
22 or more clearly identified ballot issues, the communication
23 includes explicit words that unambiguously indicate that the
24 communication is recommending or supporting a particular
25 outcome in the election with regard to any clearly identified
26 candidate or ballot issue.

27 b. "*Express advocacy*" or "*expressly advocate*" does not mean
28 a communication that can be characterized according to one or
29 more of the following descriptions:

30 (1) The communication encourages individuals to register
31 to vote or to vote, provided that the communication does not
32 mention or depict a candidate or ballot issue.

33 (2) The communication does not support or oppose a candidate
34 or ballot issue.

35 (3) The communication is a bona fide news story, commentary,

1 blog, or editorial distributed through the facilities of any
2 broadcasting station, newspaper, magazine, internet site, or
3 other periodical publication of general circulation.

4 (4) The communication is by a membership organization or
5 corporation to its members, stockholders, or employees.

6 (5) The board determines by rule that the communication is
7 not express advocacy.

8 18. "*Political committee*" means any of the following:

9 a. A committee, but not a candidate's committee, that
10 accepts contributions in excess of ~~one thousand~~ two hundred
11 fifty dollars in the aggregate, makes expenditures in excess
12 of ~~one thousand~~ two hundred fifty dollars in the aggregate, or
13 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty
14 dollars in the aggregate in any one calendar year to expressly
15 advocate the nomination, election, or defeat of a candidate
16 for public office, make an electioneering communication, or to
17 expressly advocate the passage or defeat of a ballot issue.

18 b. An association, lodge, society, cooperative, union,
19 fraternity, sorority, educational institution, civic
20 organization, labor organization, religious organization, or
21 professional organization that accepts contributions in excess
22 of ~~one thousand~~ two hundred fifty dollars in the aggregate,
23 makes expenditures in excess of ~~one thousand~~ two hundred fifty
24 dollars in the aggregate, or incurs indebtedness in excess of
25 ~~one thousand~~ two hundred fifty dollars in the aggregate in
26 any one calendar year to expressly advocate the nomination,
27 election, or defeat of a candidate for public office, make an
28 electioneering communication, or to expressly advocate the
29 passage or defeat of a ballot issue.

30 c. A person, other than an individual, that accepts
31 contributions in excess of ~~one thousand~~ two hundred fifty
32 dollars in the aggregate, makes expenditures in excess of
33 ~~one thousand~~ two hundred fifty dollars in the aggregate, or
34 incurs indebtedness in excess of ~~one thousand~~ two hundred fifty
35 dollars in the aggregate in any one calendar year to expressly

1 advocate that an individual should or should not seek election
2 to a public office prior to the individual becoming a candidate
3 as defined in subsection 4.

4 Sec. _____. Section 68A.102, Code 2020, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 8A. "*Communication*" means any of the
7 following:

8 a. A paid advertisement broadcast over radio, television,
9 cable, or satellite.

10 b. The paid placement of content on the internet or other
11 electronic communication network.

12 c. A paid advertisement published in a newspaper or
13 periodical or on a billboard.

14 d. A mailing.

15 e. A printed material.

16 NEW SUBSECTION. 10A. "*Coordinated expenditure*" means
17 an expenditure made in cooperation with, in consultation
18 with, at the request of, or with the express prior consent
19 of a candidate or committee receiving the benefit of the
20 expenditure.

21 NEW SUBSECTION. 13A. a. "*Electioneering communication*"
22 means a paid communication that is publicly distributed by
23 radio, television, cable, satellite, internet site, newspaper,
24 periodical, billboard, mail, electronic mail, or any other
25 distribution of materials, that is made within sixty days of
26 the initiation of voting in an election that does not support
27 or oppose a candidate or ballot issue, that can be received
28 by more than one hundred persons, and that does any of the
29 following:

30 (1) Refers to one or more clearly identified candidates in
31 that election.

32 (2) Depicts the name, image, likeness, or voice of a clearly
33 identified candidate in that election.

34 (3) Refers to a political party, ballot issue, or a question
35 submitted to the voters in that election.

1 *b. "Electioneering communication"* does not include any of
2 the following:

3 (1) A bona fide news story, commentary, blog, or editorial
4 distributed through the facilities of any broadcasting station,
5 newspaper, magazine, internet site, or other periodical
6 publication of general circulation.

7 (2) A communication by a membership organization or
8 corporation to its members, stockholders, or employees.

9 (3) A commercial communication that depicts a candidate's
10 name, image, likeness, or voice only in the candidate's
11 capacity as owner, operator, or employee of a business that
12 existed prior to the organization of a candidate's committee by
13 the candidate pursuant to section 68A.202.

14 (4) A communication that constitutes a candidate debate or
15 forum or that solely promotes a candidate debate or forum and
16 is made by or on behalf of the person sponsoring the debate or
17 forum.

18 (5) A communication that the board determines by rule is not
19 an electioneering communication.

20 Sec. _____. Section 68A.402, subsection 9, Code 2020, is
21 amended to read as follows:

22 9. *a. Permanent organizations.* A permanent organization
23 temporarily engaging in activity described in section 68A.102,
24 subsection 18, shall organize a political committee and shall
25 keep the funds relating to that political activity segregated
26 from its operating funds. The political committee shall file
27 reports on the appropriate due dates as required by this
28 section.

29 *b.* The reports filed under [this subsection](#) shall identify
30 ~~the~~ all of the following:

31 (1) The source of the original funds used for a contribution
32 made to a candidate or a committee organized under this
33 chapter.

34 (2) The aggregate amount of contributions made by each
35 person.

1 (3) Each loan received from any person during the reporting
2 period.

3 (4) The amount and nature of debts and obligations owed to
4 the committee.

5 (5) Proceeds that total less than thirty-five dollars
6 per person from mass collections made at fund-raising events
7 sponsored by the committee.

8 (6) The total sum of contributions received by the committee
9 for a specified candidate or committee.

10 (7) The full name, mailing address, occupation, and
11 principal place of business, if any, of each person or
12 committee to whom an expenditure has been made during the
13 reporting period, including the amount, date, and purpose of
14 each expenditure and the total amount of expenditures to each
15 person or committee.

16 (8) The full name, mailing address, occupation, and
17 principal place of business, if any, of each person to whom an
18 expenditure for personal services, salaries, and reimbursement
19 of expenses has been made, including the amount, date,
20 and purpose of that expenditure, and the total amount of
21 expenditures made to each person.

22 (9) The total sum of expenditures made during the reporting
23 period.

24 (10) The full name, mailing address, occupation, and
25 principal place of business, if any, of any person to whom a
26 loan was made, and the full name, mailing address, occupation,
27 and principal place of business, if any, of any endorsers, and
28 the date and amount of each loan.

29 (11) The amount and nature of debts and obligations owed by
30 the committee.

31 (12) Other information as may be required by the board by
32 rule.

33 (13) For reports of expenditures made to a consultant,
34 advertising agency, polling firm, or other person that performs
35 services for the committee, the report shall be itemized

1 and described in sufficient detail to disclose the specific
2 services performed by the entity.

3 c. When the permanent organization ceases to be involved
4 in the political activity, the permanent organization shall
5 dissolve the political committee.

6 d. As used in this subsection, “*permanent organization*”
7 means an organization that is continuing, stable, and enduring,
8 and was originally organized for purposes other than engaging
9 in election activities.

10 Sec. _____. Section 68A.402A, subsection 1, paragraphs f and
11 g, Code 2020, are amended to read as follows:

12 f. The name and mailing address of each person and committee
13 to whom disbursements, payments for personal services,
14 salaries, reimbursement for expenses, or loan repayments
15 have been made by the committee from contributions during
16 the reporting period and the amount, purpose, and date of
17 each disbursement except that disbursements of less than five
18 dollars may be shown as miscellaneous disbursements so long as
19 the aggregate miscellaneous disbursements to any one person
20 during a calendar year do not exceed one hundred dollars.
21 Reports of disbursements under this paragraph must be itemized
22 and sufficiently detailed to disclose the specific services
23 performed by the person to whom a disbursement was made.

24 g. Disbursements made to a consultant, advertising agency,
25 or polling firm and disbursements made by the consultant,
26 advertising agency, or polling firm during the reporting
27 period disclosing the name and address of the recipient,
28 amount, purpose, and date. Reports of disbursements under
29 this paragraph must be itemized and sufficiently detailed to
30 disclose the specific services performed by the entity to whom
31 a disbursement was made.

32 Sec. _____. Section 68A.402A, subsection 1, Code 2020, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. 1. The total sum of disbursements made.

35 Sec. _____. NEW SECTION. 68A.404A Electioneering

1 **communications — reports.**

2 1. A person making an electioneering communication shall
3 file a report with the board, including a description of the
4 communication, how the communication was distributed, and
5 the amount of any expenditure made on the electioneering
6 communication, except that a person spending less than two
7 hundred fifty dollars on electioneering communications in a
8 taxable year shall not be required to file a report.

9 2. The board shall adopt rules for the form and schedule of
10 reports filed under this section.

11 Sec. _____. Section 68A.405, subsection 1, paragraphs b, c, d,
12 e, f, g, and h, Code 2020, are amended to read as follows:

13 b. (1) Except as set out in **subsection 2**, published
14 material designed to expressly advocate the nomination,
15 election, or defeat of a candidate for public office or
16 the passage or defeat of a ballot issue and electioneering
17 communications shall include on the published material
18 or electioneering communication an attribution statement
19 disclosing who is responsible for the published material or
20 electioneering communication.

21 (2) The person who is responsible for the published material
22 or electioneering communication has the sole responsibility
23 and liability for the attribution statement required by this
24 section.

25 c. If the person paying for the published material or
26 electioneering communication is an individual, the words "paid
27 for by" and the name and address of the person shall appear on
28 the published material or electioneering communication.

29 d. If more than one individual is responsible, the words
30 "paid for by", the names of the individuals, and either
31 the addresses of the individuals or a statement that the
32 addresses of the individuals are on file with the Iowa ethics
33 and campaign disclosure board shall appear on the published
34 material or electioneering communication.

35 e. If the person responsible is an organization, the words

1 "paid for by", the name and address of the organization, and
2 the name of one officer of the organization shall appear on the
3 published material or electioneering communication.

4 *f.* If the person responsible is a corporation, the words
5 "paid for by", the name and address of the corporation, and the
6 name and title of the corporation's chief executive officer
7 shall appear on the published material or electioneering
8 communication.

9 *g.* If the person responsible is a committee that has filed
10 a statement of organization pursuant to [section 68A.201](#), the
11 words "paid for by" and the name of the committee shall appear
12 on the published material or electioneering communication.

13 *h.* If the published material or electioneering communication
14 is the result of an independent expenditure subject to section
15 68A.404, the published material or electioneering communication
16 shall include a statement that the published material or
17 electioneering communication was not authorized by any
18 candidate, candidate's committee, or ballot issue committee.

19 Sec. _____. Section 68A.405, subsection 2, paragraph d, Code
20 2020, is amended to read as follows:

21 *d.* Any published material or electioneering communication
22 that is subject to federal regulations regarding an attribution
23 requirement.

24 Sec. _____. Section 68A.405, subsection 4, Code 2020, is
25 amended to read as follows:

26 4. The board shall adopt rules relating to the placing of an
27 attribution statement on published materials and electioneering
28 communication.

29 DIVISION ____

30 TEST IOWA PROGRAM STANDARDS

31 Sec. _____. TEST IOWA PROGRAM STANDARDS. If the performance
32 goals and standards set forth under any test Iowa program
33 contract or agreement are not met by a private entity that is a
34 party to the contract or agreement, the contract or agreement
35 is immediately voided and any unexpended moneys shall be

1 transferred to an Iowa-based health care provider or research
2 institute capable of managing widespread testing for the novel
3 coronavirus.>
4 2. By renumbering as necessary.

HALL of Woodbury