

FILED JAN 14 '03

SENATE FILE 8

BY JOHNSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to nongovernmental internet advertising by  
2 governmental entities.

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

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SF 8

STATE GOVERNMENT

1 Section 1. Section 14B.101, Code 2003, is amended by  
2 adding the following new subsections:

3 NEW SUBSECTION. 0A. "Advertise" means to present a  
4 commercial message that is accessible using an information  
5 technology device, if the commercial message is presented for  
6 the purpose of promoting real property, goods, or services for  
7 sale, lease, barter, or auction.

8 NEW SUBSECTION. 3A. "Executive branch entity" means the  
9 office of the governor, the office of an elective  
10 constitutional or statutory officer, or any agency.

11 DIVISION III

12 STATE COMPUTER USE AND ADVERTISING

13 Sec. 2. NEW SECTION. 14B.301 ADVERTISING PROHIBITED.

14 1. An executive branch entity shall not control an  
15 internet site that is used to distribute electronic  
16 information, including a public record, if the electronic  
17 information is presented with an advertisement or is the point  
18 of origin for an electronic link to another internet site that  
19 presents an advertisement.

20 2. For purposes of this section, an executive branch  
21 entity is deemed to control an internet site if the  
22 distribution of electronic information accessible from the  
23 internet site is made by any of the following:

24 a. An officer or employee of an executive branch entity  
25 while performing functions associated with employment.

26 b. A person who uses an executive branch entity's  
27 information technology device.

28 c. Another person, if the site is used to distribute  
29 electronic information, including a public record, originating  
30 from the site, and the advertising is approved by the  
31 executive branch entity.

32 3. This section does not apply to an internet site  
33 controlled by an executive branch entity if any of the  
34 following apply:

35 a. The internet site is the point of destination by a link

1 from another internet site that is not controlled by an  
2 executive branch entity.

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

6 EXPLANATION

7 This bill restricts the use of the internet for  
8 nongovernmental advertising by executive branch entities.

9 The bill restricts advertising by executive branch entities  
10 that maintain an internet presence. Generally, the bill  
11 prohibits an entity from controlling an internet site that is  
12 used to distribute electronic information, including a public  
13 record, if the electronic information is presented with an  
14 advertisement or is the point of origin for an electronic link  
15 to another internet site that presents an advertisement. The  
16 prohibition does not apply to an internet site that is the  
17 point of destination by a link from another internet site that  
18 is not controlled by an executive branch entity. It also does  
19 not apply to an advertisement presented for the purpose of  
20 promoting real property, goods, or services for sale, lease,  
21 barter, or auction by a governmental entity.

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