

Senate Study Bill 3160

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 _____

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:
4 TLSB 6411SK 81
5 jr/je/5

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1 1 Section 1. Section 23A.4, Code 2005, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 23A.4 COMPLAINTS.
1 5 1. Any person alleging a violation of this chapter may
1 6 file a complaint with the Iowa ethics and campaign disclosure
1 7 board. The board may issue opinions, adopt rules, receive
1 8 complaints, conduct investigations, and hold hearings in order
1 9 to administer the provisions of this chapter. If the board
1 10 determines a violation of this chapter has occurred, the board
1 11 may take any of the following actions:
1 12 a. Issue an order requiring the violator to cease and
1 13 desist from the violation.
1 14 b. Issue an order requiring the violator to take any
1 15 remedial action deemed appropriate by the board.
1 16 c. Issue an order requiring the violator to pay a civil
1 17 penalty of not more than two thousand dollars for each
1 18 violation of this chapter.
1 19 Judicial review of the actions of the board may be sought
1 20 in accordance with chapter 17A. Judicial enforcement of
1 21 orders of the board may be sought in accordance with chapter
1 22 17A.
1 23 2. The office of citizens' aide may review violations of
1 24 this chapter and make recommendations as provided in chapter
1 25 2C.

EXPLANATION

1 27 Code chapter 23A generally restricts competition by
1 28 government entities with private enterprise, and Code section
1 29 23A.4 provides for injunctive relief through judicial review
1 30 as a remedy for abuse, along with the possibility of review by
1 31 the office of citizens' aide. This bill eliminates current
1 32 provisions for injunctive relief and gives the Iowa ethics and
1 33 campaign disclosure board jurisdiction to investigate and
1 34 adjudicate violations of the Code chapter. Remedies and
1 35 penalties which may be imposed by the board are: issuing a
2 1 cease and desist order; issuing an order requiring the
2 2 violator to take any remedial action deemed appropriate; or
2 3 issuing an order requiring the violator to pay a civil penalty
2 4 of not more than \$2,000 for each violation of this chapter or
2 5 rules adopted by the board. Judicial review of board actions
2 6 and judicial enforcement of board orders are available in
2 7 accordance with Code chapter 17A.
2 8 LSB 6411SK 81
2 9 jr:rj/je/5