

**CHAPTER 99**

## OPEN MEETINGS AND OPEN RECORDS VIOLATIONS

H.F. 772

**AN ACT** relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

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

Section 1. Section 21.6, subsection 3, paragraph d, Code 2005, is amended to read as follows:

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in ~~two a prior violations~~ violation of this chapter for which damages were assessed against the member during the member's term.

Sec. 2. Section 22.10, subsection 3, paragraph d, Code 2005, is amended to read as follows:

d. Shall issue an order removing a person from office if that person has engaged in ~~two a prior violations~~ violation of this chapter for which damages were assessed against the person during the person's term.

Approved May 3, 2005

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**CHAPTER 100**STATE PROCUREMENT PROCEDURES —  
NOTICE OF BIDDING OPPORTUNITIES

H.F. 814

**AN ACT** relating to electronic notices of bidding opportunities for state purchases.

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

Section 1. Section 8A.311, subsection 1, Code 2005, is amended to read as follows:

1. a. All equipment, supplies, or services procured by the department shall be purchased by a competitive bidding procedure as established by rule. However, the director may exempt by rule purchases of noncompetitive items and purchases in lots or quantities too small to be effectively purchased by competitive bidding. Preference shall be given to purchasing Iowa products and purchases from Iowa-based businesses if the Iowa-based business bids submitted are comparable in price to bids submitted by out-of-state businesses and otherwise meet the required specifications. If the laws of another state mandate a percentage preference for businesses or products from that state and the effect of the preference is that bids of Iowa businesses or products that are otherwise low and responsive are not selected in the other state, the same percentage preference shall be applied to Iowa businesses and products when businesses or products from that other state are bid to supply Iowa requirements.

b. The department and each state agency shall provide notice in an electronic format available to the public of every competitive bidding opportunity offered by the department or the

state agency as provided in section 73.2, subsection 2. The department may establish by rule requirements relating to such notice. A competitive bidding opportunity that is not preceded by a notice that satisfies the requirements of this paragraph is void and shall be rebid. A request for proposals for architectural or engineering services may be posted electronically by a department or state agency.

Approved May 3, 2005

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## CHAPTER 101

### REAL ESTATE AUCTIONS — BROKERAGE AND CLOSING SERVICES PROVIDERS

*S.F. 210*

**AN ACT** relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

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

Section 1. Section 543B.7, subsection 5, Code 2005, is amended to read as follows:

5. The acts of an auctioneer in conducting a public sale or auction. The auctioneer's role must be limited to establishing the time, place, and method of an auction; advertising the auction including a brief description of the property for auction and the time and place for the auction; and crying the property at the auction. The auctioneer shall provide in any advertising the name and address of the real estate broker or attorney who is providing brokerage services for the transaction and the name of the real estate broker or attorney who is also responsible for closing the sale of the property. The real estate broker or attorney providing brokerage services and closing services shall be present at the time of the auction and, if found to be in violation of this subsection, shall be subject to a civil penalty of two thousand five hundred dollars. If the auctioneer closes or attempts to close the sale of the property or otherwise engages in acts defined in sections 543B.3 and 543B.6, then the requirements of this chapter do apply to the auctioneer. If an investigation pursuant to this chapter reveals that an auctioneer has violated this subsection or has assumed to act in the capacity of a real estate broker or real estate salesperson, the real estate commission may issue a cease and desist order, and shall issue a warning letter notifying the auctioneer of the violation for the first offense, and impose a penalty of up to the greater of ten thousand dollars or ten percent of the real estate sales price for each subsequent violation.

Approved May 4, 2005