

SENATE FILE 2015
BY VILSACK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to legal defenses under state privatization
2 contracts.

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

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D.F. 2015

1 Section 1. NEW SECTION. 72.1A STATE PRIVATIZATION CON-
2 TRACTS -- NO STATE DEFENSES.

3 A contract executed between the state or a state agency and
4 a private person for the purpose of performing a function that
5 up to the time of the execution of the contract had been
6 performed by the state or a state agency through state em-
7 ployees shall provide for the following:

8 1. The person performing the function shall not be
9 entitled to any defenses, immunities, or protections currently
10 afforded the state for performing that function.

11 2. The state shall not indemnify the person for any
12 damages arising out of the performance by the person of the
13 function.

14 EXPLANATION

15 This bill requires that any new contract to privatize func-
16 tions currently performed by state employees provide that the
17 entity which will perform the function is not entitled to any
18 legal protections provided the state and that the state will
19 not cover any damages awarded against the entity for
20 performing the function.

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