

H. 3/8/95 Local Gov
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FILED MAR 01 1995

SENATE FILE 229
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 163)

Passed Senate, Date (P.523) 3/6/95 Passed House, Date (P.1568) 4/13/95
Vote: Ayes 49 Nays 0 Vote: Ayes 91 Nays 2
Approved April 25, 1995

A BILL FOR

1 An Act eliminating certain requirements regarding the purchase of
2 coal by public agencies.

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

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S.F. 229

1 Section 1. Section 73.9, Code 1995, is amended to read as
2 follows:

3 73.9 VIOLATIONS -- REMEDY.

4 Any contract entered into or carried out in whole or in
5 part, in violation of the provisions of ~~sections~~ section 73.6,
6 ~~to-73-8~~ shall be void and ~~such~~ the contract or any claim
7 growing out of the sale, delivery, or use of the coal
8 specified ~~therein~~ in the contract, shall be unenforceable in
9 any court. In addition to any other proper party or parties,
10 any unsuccessful bidder at a letting provided for in ~~said~~
11 ~~sections~~ section 73.6 shall have the right to maintain an
12 action in equity to prevent the violation of the terms of ~~said~~
13 ~~sections~~ section 73.6.

14 Sec. 2. Section 331.341, subsection 2, Code 1995, is
15 amended to read as follows:

16 2. The board shall give preference to Iowa products and
17 labor in accordance with chapter 73 and shall comply with bid
18 and contract requirements in ~~sections~~ section 73.2 ~~and-73-7~~.

19 Sec. 3. REPEALER. Sections 73.7 and 73.8, Code 1995, are
20 repealed.

21 EXPLANATION

22 This bill strikes the bidding requirements for the purchase
23 of coal if the value of the contract exceeds \$300 for a year.

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Black
Sorensen
Maddox

LSB

SSB-163

Local Government

Succeeded By

SF/HF 229

SENATE FILE

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON SORENSEN)

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

A BILL FOR

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7 growing out of the sale, delivery, or use of the coal
8 specified ~~therein~~ in the contract, shall be unenforceable in
9 any court. In addition to any other proper party or parties,
10 any unsuccessful bidder at a letting provided for in ~~said~~
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12 action in equity to prevent the violation of the terms of ~~said~~
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14 Sec. 2. Section 331.341, subsection 2, Code 1995, is
15 amended to read as follows:

16 2. The board shall give preference to Iowa products and
17 labor in accordance with chapter 73 and shall comply with bid
18 and contract requirements in ~~sections~~ section 73.2 ~~and-73-7~~.

19 Sec. 3. REPEALER. Sections 73.7 and 73.8, Code 1995, are
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Sec. 3. REPEALER. Sections 73.7 and 73.8, Code 1995, are repealed.

SENATE FILE 229

AN ACT

ELIMINATING CERTAIN REQUIREMENTS REGARDING THE PURCHASE OF COAL BY PUBLIC AGENCIES.

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

Section 1. Section 73.9, Code 1995, is amended to read as follows:

73.9 VIOLATIONS -- REMEDY.

Any contract entered into or carried out in whole or in part, in violation of the provisions of sections section 73.6, ~~to-73-8~~ shall be void and such the contract or any claim growing out of the sale, delivery, or use of the coal specified therein in the contract, shall be unenforceable in any court. In addition to any other proper party or parties, any unsuccessful bidder at a letting provided for in said sections section 73.6 shall have the right to maintain an action in equity to prevent the violation of the terms of said sections section 73.6.

Sec. 2. Section 331.341, subsection 2, Code 1995, is amended to read as follows:

2. The board shall give preference to Iowa products and labor in accordance with chapter 73 and shall comply with bid and contract requirements in sections section 73.2 and-73-7.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 229, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 25, 1995

TERRY E. BRANSTAD
Governor