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SENATE FILE 2130
BY MADDOX

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

A BILL FOR

1 An Act relating to state purchasing of products from Iowa state
2 industries.

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

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SF 2130 JUDICIARY

1 Section 1. Section 904.802, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 2A. "State agency" means the government
4 of the state of Iowa, including but not limited to all
5 executive branch departments, agencies, boards, bureaus, and
6 commissions, the judicial branch, the general assembly and all
7 legislative agencies, institutions within the purview of the
8 state board of regents, and any corporation whose primary
9 function is to act as an instrumentality of the state.

10 Sec. 2. Section 904.805, subsections 1 and 2, Code 2001,
11 are amended to read as follows:

12 1. Conduct market studies and consult with ~~public-bodies~~
13 ~~and-officers-who-are-listed-in-section-904-807~~ state agencies,
14 and with other potential purchasers, for the purpose of
15 determining items or services needed and design features
16 desired or required by potential purchasers of Iowa state
17 industries products or services.

18 2. Receive, investigate and take appropriate action upon
19 any complaints from potential purchasers of Iowa state
20 industries products or services regarding lack of co-operation
21 by Iowa state industries with ~~public-bodies-and-officers-who~~
22 ~~are-listed-in-section-904-807~~ state agencies, and with other
23 potential purchasers.

24 Sec. 3. Section 904.807, Code 2001, is amended to read as
25 follows:

26 904.807 PRICE LISTS TO PUBLIC-OFFICIALS STATE AGENCIES.

27 The state director shall cause to be prepared from time to
28 time classified and itemized price lists of the products
29 manufactured by Iowa state industries. Such lists shall be
30 furnished to all ~~boards-of-supervisors,-boards-of-directors-of~~
31 ~~school-corporations,-city-councils,-and-all-other-state,-~~
32 ~~county,-city-and-school-departments-and-officials~~ state
33 agencies, and other potential purchasers who are empowered to
34 purchase supplies and equipment ~~for-public-purposes.~~

35 Sec. 4. Section 904.808, subsections 1 and 3, Code 2001,

1 are amended to read as follows:

2 1. A product possessing the performance characteristics of
3 a product listed in the price lists prepared pursuant to
4 section 904.807 shall ~~not be purchased by any-department-or~~
5 ~~agency-of-state-government~~ a state agency from ~~a-source-other~~
6 than Iowa state industries, except:

7 a. When the purchase is made under emergency
8 circumstances, which shall be explained in writing by the
9 ~~public-body-or-officer-who~~ state agency which made or
10 authorized the purchase if the state director so requests; or

11 b. When the state director releases, in writing, the
12 obligation of the ~~department-or-agency~~ state agency to
13 purchase the product from Iowa state industries, after
14 determining that Iowa state industries is unable to meet the
15 performance characteristics of the purchase request for the
16 product, and a copy of the release is attached to the request
17 to the director of revenue and finance for payment for a
18 similar product, or when Iowa state industries is unable to
19 furnish needed products, comparable in both quality and price
20 to those available from alternative sources, within a
21 reasonable length of time. Any disputes arising between a
22 purchasing ~~department-or-agency~~ state agency and Iowa state
23 industries regarding similarity of products, or comparability
24 of quality or price, or the availability of the product, shall
25 be referred to the director of the department of general
26 services, whose decision shall be subject to appeal as
27 provided in section 18.7. However, if the purchasing
28 department is the department of general services, any matter
29 which would be referred to the director under this paragraph
30 shall be referred to the executive council in the same manner
31 as if the matter were to be heard by the director of the
32 department of general services. The decision of the executive
33 council is final.

34 3. A ~~department-or-agency-of-the~~ state agency shall
35 cooperate and enter into agreements, if possible, for the

1 provision of products and services under an inmate work
2 program established by the state director under section
3 904.703.

4 Sec. 5. Section 904.815, subsection 1, Code 2001, is
5 amended to read as follows:

6 1. Iowa state industries may produce and sell products to
7 any tax-supported institution or governmental subdivision in
8 any level of government which includes the ~~state~~, county,
9 city, or school corporation, or state agency as defined in
10 section 904.802. Iowa state industries may sell products to
11 employees of those ~~entities~~ agencies.

12 EXPLANATION

13 This bill relates to the state purchasing products from
14 Iowa state industries.

15 The bill changes the terms "department or agency" and
16 "public body or officer" to "state agency". The bill defines
17 "state agency" to mean the government of the state of Iowa,
18 including but not limited to all executive branch departments,
19 agencies, boards, bureaus, and commissions, the judicial
20 branch, the general assembly and all legislative agencies,
21 institutions within the purview of the state board of regents,
22 and any corporation whose primary function is to act as an
23 instrumentality of the state.

24 The bill does not change what products are sold by Iowa
25 state industries nor does it change the requirements for and
26 exemptions to purchasing products from Iowa state industries.

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