

Senate File 176 - Introduced

SENATE FILE 176
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1015)

A BILL FOR

1 An Act relating to programs and projects administered by the
2 economic development authority.

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

DIVISION I

SPORTS TOURISM PROGRAM — TECHNICAL CHANGES

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3 Section 1. Section 15F.401, subsections 2 and 6, Code 2017,
4 are amended to read as follows:

5 2. *a.* A city or county in the state or a public
6 ~~organization~~ entity, including a convention and visitors
7 bureau or a district, may apply to the authority for financial
8 assistance for a project that actively and directly promotes
9 sporting events for accredited colleges and universities and
10 other sporting events in the area served by the city, county,
11 or public ~~organization~~ entity.

12 *b.* A city, county, or public ~~organization~~ entity may apply
13 for and receive financial assistance for more than one project.

14 *c.* A city, county, or public ~~organization~~ entity may apply
15 for financial assistance for a project that spans multiple
16 fiscal years or may apply for renewal of financial assistance
17 awarded in a prior year if all applicable contractual
18 requirements are met. The decision as to whether to renew
19 an award shall be at the discretion of the board. The board
20 may adopt by rule certain metrics and return on investment
21 estimates for purposes of this paragraph. The authority may
22 include such metrics and estimates in a program agreement
23 executed pursuant to [this section](#).

24 *d.* A convention and visitors bureau may apply to the
25 authority for financial assistance pursuant to [this section](#) and
26 a district may apply to the authority for district financial
27 assistance, but a convention and visitors bureau shall not in
28 the same year receive financial assistance under the program
29 created in [this section](#) and financial assistance as part of a
30 district.

31 6. *a.* A city, county, or public ~~organization~~ entity
32 may use financial assistance received under the program for
33 marketing, promotions, and infrastructure. Whether an activity
34 or individual cost item is directly related to the promotion
35 of the sporting event shall be within the discretion of the

1 authority.

2 *b.* All applications to the authority for financial
3 assistance shall be made at least ninety days prior to an
4 event's scheduled date. A city, county, or public ~~organization~~
5 entity shall not use financial assistance received under the
6 program as reimbursement for completed projects.

7 Sec. 2. Section 15F.403, subsection 2, paragraph a, Code
8 2017, is amended to read as follows:

9 *a.* Moneys in the fund are appropriated to the authority
10 for purposes of providing financial assistance to cities,
11 counties, and public ~~organizations~~ entities under the sports
12 tourism program established and administered pursuant to this
13 subchapter.

14 DIVISION II

15 TARGETED SMALL BUSINESS CERTIFICATION

16 Sec. 3. Section 8A.111, subsection 7, Code 2017, is amended
17 to read as follows:

18 7. An annual report regarding the Iowa targeted small
19 business procurement Act activities of the department as
20 required under [section 15.108, subsection 7](#), paragraph
21 "c", and quarterly reports regarding the total dollar
22 amount of certified purchases for certified targeted small
23 businesses during the previous quarter as required in section
24 73.16, subsection 2. The department shall keep any vendor
25 identification information received from the ~~department of~~
26 ~~inspections and appeals~~ economic development authority as
27 provided in ~~section 10A.104, subsection 8~~ 15.108, subsection
28 7, paragraph "od", and necessary for the quarterly reports,
29 confidential to the same extent as the ~~department of inspection~~
30 ~~and appeals~~ economic development authority is required to
31 keep such information. Confidential information received by
32 the department from the ~~department of inspections and appeals~~
33 economic development authority shall not be disclosed except
34 pursuant to court order or with the approval of the ~~department~~
35 ~~of inspections and appeals~~ economic development authority.

1 Sec. 4. Section 10A.104, subsection 8, Code 2017, is amended
2 by striking the subsection.

3 Sec. 5. Section 12.44, Code 2017, is amended to read as
4 follows:

5 **12.44 Iowa satisfaction and performance bond program.**

6 Agencies of state government shall be required to waive the
7 requirement of satisfaction, performance, surety, or bid bonds
8 for targeted small businesses which are able to demonstrate
9 the inability of securing such a bond because of a lack of
10 experience, lack of net worth, or lack of capital. This waiver
11 shall not apply to businesses with a record of repeated failure
12 of substantial performance or material breach of contract in
13 prior circumstances. The waiver shall be applied only to a
14 project or individual transaction amounting to fifty thousand
15 dollars or less, notwithstanding [section 573.2](#). In order to
16 qualify, the targeted small business shall provide written
17 evidence to the ~~department of inspections and appeals~~ economic
18 development authority that the bond would otherwise be denied
19 the business. The granting of the waiver shall in no way
20 relieve the business from its contractual obligations and shall
21 not preclude the state agency from pursuing any remedies under
22 law upon default or breach of contract.

23 The ~~department of inspections and appeals~~ economic
24 development authority shall certify targeted small businesses
25 for eligibility and participation in this program and shall
26 make this information available to other state agencies.

27 Subdivisions of state government may also grant such a
28 waiver under similar circumstances.

29 Sec. 6. Section 15.107B, subsection 2, paragraph b, Code
30 2017, is amended to read as follows:

31 **b.** A summary of ~~the report filed by December 1 of each year~~
32 ~~by the department of inspections and appeals with the authority~~
33 ~~regarding~~ certifications of targeted small businesses. At a
34 minimum, the summary shall include the number of certified
35 targeted small businesses for the previous year, the increase

1 or decrease in that number during the previous fiscal year
2 compared to the prior fiscal year, and the number of targeted
3 small businesses that have been decertified in the previous
4 fiscal year.

5 Sec. 7. Section 15.108, subsection 7, paragraph c,
6 subparagraph (1), subparagraph division (b), Code 2017, is
7 amended by striking the subparagraph division.

8 Sec. 8. Section 15.108, subsection 7, Code 2017, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *Od.* (1) Establish standards and procedures,
11 by rule, for certifying that targeted small businesses are
12 eligible to participate in the procurement program established
13 in sections 73.15 through 73.21 and are eligible for financial
14 and technical assistance provided for under this subsection.
15 The rules for certifying eligibility adopted pursuant to this
16 paragraph shall not recognize self-certification by a business.
17 The authority may also establish, by rule, the appropriate
18 level of public access to differing classes of electronic
19 records and other records under the procurement program to
20 ensure the confidentiality of any records that are required by
21 law to be confidential.

22 (2) Maintain a current directory of targeted small
23 businesses certified pursuant to this paragraph. The
24 authority shall also provide information to the department of
25 administrative services necessary for the identification of
26 targeted small businesses under section 8A.111, subsection 7.

27 Sec. 9. Section 15.108, subsection 7, paragraph g,
28 subparagraph (1), Code 2017, is amended to read as follows:

29 (1) Developing a uniform small business vendor application
30 form which can be adopted by all agencies and departments of
31 state government to identify small businesses and targeted
32 small businesses which desire to sell goods and services to the
33 state. This form shall also contain information which can be
34 used to determine certification as a targeted small business
35 pursuant to ~~section 10A.104, subsection 8~~ paragraph "Od".

1 Sec. 10. Section 73.16, subsection 2, paragraph a,
2 unnumbered paragraph 1, Code 2017, is amended to read as
3 follows:

4 Prior to the commencement of a fiscal year, the director of
5 each agency or department of state government having purchasing
6 authority, in cooperation with the targeted small business
7 ~~marketing and compliance~~ project manager of the economic
8 development authority, shall establish for that fiscal year
9 a procurement goal from certified targeted small businesses
10 identified pursuant to ~~section 10A.104, subsection 8~~ 15.108,
11 subsection 7, paragraph "0d".

12 Sec. 11. Section 73.16, subsection 2, paragraph c,
13 subparagraph (3), Code 2017, is amended to read as follows:

14 (3) A community college, area education agency, or school
15 district shall establish a procurement goal from certified
16 targeted small businesses, identified pursuant to section
17 ~~10A.104, subsection 8~~ 15.108, subsection 7, paragraph "0d", of
18 at least ten percent of the value of anticipated procurements
19 of goods and services including construction, but not including
20 utility services, each fiscal year.

21 DIVISION III

22 TECHNICAL CHANGES

23 Sec. 12. Section 403.19A, subsection 2, paragraph b, Code
24 2017, is amended to read as follows:

25 **b.** (1) The ~~department of~~ economic development authority
26 shall approve four eligible cities as pilot project cities, one
27 pursuant to paragraph "a", subparagraph (1), one pursuant to
28 paragraph "a", subparagraph (2), and two pursuant to paragraph
29 "a", subparagraph (3). If two eligible cities are approved
30 which are located in the same county and the county has a
31 population of less than forty-five thousand, the two approved
32 eligible cities shall be considered one pilot project city. If
33 more than two cities meeting the requirements of paragraph "a",
34 subparagraph (3), apply to be designated as a pilot project
35 city, the ~~department of~~ economic development authority shall

1 determine which two cities hold the most potential to create
2 new jobs or generate the greatest capital within their areas.
3 Applications from eligible cities filed on or after October 1,
4 2006, shall not be considered.

5 (2) If a pilot project city does not enter into a
6 withholding agreement within one year of its approval as a
7 pilot project city, the city shall lose its status as a pilot
8 project city. If two pilot project cities are located in the
9 same county, the loss of status by one pilot project city shall
10 not cause the second pilot project city in the county to lose
11 its status as a pilot project city. Upon such occurrence,
12 the ~~department of~~ economic development authority shall take
13 applications from other eligible cities to replace that city.
14 Another city shall be designated within six months.

15 ~~(3) On July 1, 2011, the economic development authority~~
16 ~~shall assume responsibility for the administration of this~~
17 ~~subsection.~~

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to programs and projects administered by
22 the economic development authority (authority).

23 Division I of the bill makes technical changes relating
24 to the eligibility for applying for and receiving financial
25 assistance under the sports tourism program by replacing the
26 term "organization" with "entity".

27 Division II of the bill transfers responsibility for
28 certifying targeted small businesses under the targeted small
29 business procurement goal program, and associated reporting
30 requirements, from the department of inspections and appeals to
31 the authority. The division also specifies that the authority
32 may establish standards for public access to different classes
33 of information obtained under the program.

34 Division III of the bill makes additional technical changes.