

Senate Study Bill 3115 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to public bidding.

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

DIVISION I

SALE OF PUBLIC REAL PROPERTY

1
2
3 Section 1. Section 8A.321, subsection 8, Code 2020, is
4 amended to read as follows:

5 8. With the authorization of a constitutional majority
6 of each house of the general assembly and approval by the
7 governor, dispose of real property belonging to the state and
8 its state agencies upon terms, conditions, and consideration
9 as the director may recommend. Disposition of real property
10 under this subsection shall be made under a procedure whereby
11 the real property shall be sold to the highest responsive,
12 responsible bidder, unless the executive council, by at least a
13 two-thirds vote, agrees to accept a different bidder for good
14 cause. If real property subject to sale under **this subsection**
15 has been purchased or acquired from appropriated funds, the
16 proceeds of the sale shall be deposited with the treasurer of
17 state and credited to the general fund of the state or other
18 fund from which appropriated. There is appropriated from that
19 same fund, with the prior approval of the executive council and
20 in cooperation with the director, a sum equal to the proceeds
21 so deposited and credited to the state agency to which the
22 disposed real property belonged or by which it was used, for
23 purposes of the state agency.

24 Sec. 2. Section 297.22, subsection 1, paragraph a, Code
25 2020, is amended to read as follows:

26 a. The board of directors of a school district may sell,
27 lease, or dispose of, in whole or in part, a schoolhouse,
28 school site, or other property belonging to the district. The
29 board shall sell real property to the highest responsive,
30 responsible bidder unless the board, by at least a two-thirds
31 vote, agrees to accept a different bidder for good cause. If
32 the real property contains less than two acres, is located
33 outside of a city, is not adjacent to a city, and was
34 previously used as a schoolhouse site, the procedure contained
35 in **sections 297.15 through 297.20** shall be followed in lieu of

1 this section.

2 Sec. 3. Section 331.361, subsection 2, Code 2020, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. *0a.* The board shall dispose of real property
5 under a procedure whereby real property shall be sold to the
6 highest responsive, responsible bidder unless the board, by at
7 least a two-thirds vote, agrees to accept a different bidder
8 for good cause.

9 Sec. 4. Section 359.52, subsection 1, Code 2020, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *0a.* The board of trustees shall dispose of
12 real property under a procedure whereby real property shall
13 be sold to the highest responsive, responsible bidder unless
14 the board, by at least a two-thirds vote, agrees to accept a
15 different bidder for good cause.

16 Sec. 5. Section 364.7, Code 2020, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. *01.* The council shall dispose of real
19 property under a procedure whereby real property shall be
20 sold to the highest responsive, responsible bidder unless the
21 council, by at least a two-thirds vote, agrees to accept a
22 different bidder for good cause.

23 DIVISION II

24 ADVERTISEMENTS FOR BIDS

25 Sec. 6. Section 73.2, Code 2020, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. *3.* In addition to any method of
28 advertisement required by law, any executive branch agency, the
29 general assembly, the judicial branch, county, township, school
30 district, or city shall ensure publication of any request for
31 bids and proposals for the following minimum number of days:

32 *a.* For requests for bids and proposals of twenty-five
33 thousand dollars or less, three business days.

34 *b.* For requests for bids and proposals of more than
35 twenty-five thousand dollars, five business days.

1 c. For requests for bids and proposals on a public
2 construction project, two business days.

3 EXPLANATION

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

6 This bill concerns public bidding requirements for the state
7 and political subdivisions of the state.

8 DIVISION I — SALE OF PUBLIC REAL PROPERTY. This division
9 concerns requirements relating to the disposition of public
10 real property.

11 Code section 8A.321, concerning physical resources of
12 state government, is amended to provide that if real property
13 belonging to the state is disposed of, the disposition shall
14 be made under a procedure where the property shall be sold to
15 the highest responsive, responsible bidder unless the executive
16 council, by at least a two-thirds vote, agrees to accept a
17 different bidder for good cause.

18 Code section 297.22, concerning disposition of property of
19 a school district, Code section 331.361, concerning county
20 property, Code section 359.52, concerning disposal of property
21 by a township, and Code section 364.7, concerning disposal of
22 property by a city, are amended to provide that the governing
23 body of the school, county, or city shall sell real property
24 to the highest responsive, responsible bidder unless the
25 governing body, by at least a two-thirds vote, agrees to accept
26 a different bidder for good cause.

27 DIVISION II — ADVERTISEMENT OF BIDS. Code section 73.2,
28 concerning advertisements for bids, is amended to provide that
29 in addition to any method of advertisement required by law, any
30 executive branch agency, the general assembly, the judicial
31 branch, county, township, school district, or city shall ensure
32 publication of any request for bids and proposals for a certain
33 minimum number of days as specified by the bill. The bill
34 requires publication for three business days for requests for
35 bids and proposals of \$25,000 or less, five business days for

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1 requests for bids and proposals of more than \$25,000, and two
2 business days for requests for bids and proposals on a public
3 construction project.