

House File 952 - Introduced

HOUSE FILE 952
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 71)

A BILL FOR

1 An Act relating to state grounds and contracts, including by
2 providing for required and prohibited contract terms and
3 regulating events on the capitol complex, and including
4 applicability provisions.

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

unofficial

1 Section 1. NEW SECTION. **8A.311C State purchasing contracts**
2 **— prohibited terms.**

3 The provisions set forth in this section are void as a matter
4 of law as contrary to public policy if included in a contract
5 for the procurement of goods or services entered into by the
6 department or any other state agency pursuant to this part.

7 A state agency's contract that includes any of the following
8 provisions shall be interpreted as if the contract did not
9 include the void provision:

10 1. A provision that requires the state or its agencies to
11 defend, indemnify, hold harmless another person, or otherwise
12 assume the debt or liability of another person in violation of
13 Article VII, section 1, of the Constitution of the State of Iowa.

14 2. A provision that seeks to impose vendor terms that
15 are unknown at the time of signing the contract or can be
16 unilaterally changed by the vendor.

17 3. A provision that violates chapter 13 by not allowing
18 a state agency to participate in its own defense through
19 representation by the attorney general.

20 4. A provision that grants to any person other than the
21 attorney general the authority to convey to a court or litigant
22 the state's consent to any settlement of a suit involving the
23 contract when such settlement could impose liability on the
24 state.

25 5. A provision that specifies that the contract is governed
26 by the laws of a foreign state or nation.

27 6. A provision that claims blanket confidentiality of the
28 contract's terms.

29 7. A provision that claims that payment terms, including but
30 not limited to cost proposals or other pricing information, of
31 the contract are confidential.

32 8. A provision that authorizes or requires a venue for
33 litigation other than an appropriate state or federal court
34 sitting in Iowa.

35 9. A provision that requires a state agency to pay attorney

1 fees, court costs, or other litigation expenses in the event of a
2 contractual dispute.

3 10. A provision that imposes on the state or its agencies
4 binding arbitration or another binding extrajudicial dispute
5 resolution process in which the final resolution is not
6 determined by the state.

7 11. A provision that waives a state agency's right to a jury
8 trial.

9 12. A provision that obligates a state agency to pay a
10 late payment charge not consistent with section 8A.514, interest
11 greater than allowed under section 8A.514 or other applicable
12 law, or any cancellation charge, as such charges constitute
13 pledges of the state's credit.

14 13. A provision that obligates a state agency to pay a tax.

15 14. A provision that imposes a prior notice obligation on
16 a state agency as a condition for the automatic renewal of a
17 software license. A state agency may provide notice of its
18 intent to terminate a software license at any time before the
19 renewal date established in the contract.

20 15. A provision that obligates a state agency to accept risk
21 of loss before the receipt of items or goods.

22 16. A provision that obligates a state agency to have
23 commercial insurance.

24 17. A provision that obligates a state agency to grant a
25 contractor full or partial ownership of intellectual property
26 developed pursuant to a state agency contract when the
27 intellectual property is developed in whole or in part using
28 federal funding.

29 18. A provision that limits the time in which the state or
30 its agencies may bring a legal claim under the contract to a
31 period shorter than that provided by Iowa law.

32 19. A boilerplate provision included in a vendor's
33 transactional documents, including but not limited to ordering
34 documents and quotations, that seeks to alter the terms of a
35 state agency's contract or to impose new terms in the contract.

1 Sec. 2. NEW SECTION. **8A.311D State purchasing contracts —**
2 **required terms.**

3 All of the following provisions shall be deemed to be included
4 in a state agency vendor contract:

5 1. *Governing law.* The contract shall be governed by the laws
6 of the state of Iowa, without giving effect to any conflict of
7 laws principles of Iowa law that may require the application of
8 another jurisdiction's law.

9 2. *Venue.* Any litigation commenced in connection with the
10 contract shall be brought and maintained in an appropriate state
11 or federal court sitting in Iowa.

12 Sec. 3. Section 8A.322, subsection 3, Code 2025, is amended
13 to read as follows:

14 3. a. The director shall establish, publish, and enforce
15 rules regulating and restricting the use by the public of the
16 capitol buildings and grounds and of the state laboratories
17 facility in Ankeny, including for events. The rules when
18 established shall be posted in conspicuous places about the
19 capitol buildings and grounds and the state laboratories
20 facility, as applicable. Any person violating any rule, except
21 a parking regulation, shall be guilty of a simple misdemeanor.

22 b. The rules shall prohibit a person, other than a peace
23 officer, from openly carrying a pistol or revolver in the capitol
24 building and on the grounds surrounding the capitol building
25 including state parking lots and parking garages. However, this
26 ~~subsection~~ paragraph shall not be construed to allow the director
27 to prohibit the lawful carrying, transportation, or possession of
28 any pistol or revolver in the capitol building and on the grounds
29 surrounding the capitol building including state parking lots and
30 parking garages by any person regardless of whether the person
31 has a valid permit to carry weapons.

32 c. The rules shall prohibit a person from holding more than
33 six events per calendar year on the grounds outside the capitol
34 building. The rules shall prohibit the person from holding an
35 event unless the director receives a recommendation for the event

1 by a statewide elected official or by both a member of the Iowa
2 senate and a member of the Iowa house of representatives.

3 Sec. 4. APPLICABILITY. This Act applies to contracts entered
4 into or renewed on or after the effective date of this Act.

5 EXPLANATION

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

8 This bill prohibits the inclusion of certain provisions
9 in contracts entered into by the department of administrative
10 services (DAS) and any other state agency under Code chapter
11 8A, subchapter III, part 2 (purchasing), and declares those
12 provisions void if present in such contracts. The bill also
13 provides that every state agency vendor contract shall be deemed
14 to include provisions requiring the contract to be governed by
15 Iowa law and for litigation related to the contract to be brought
16 and maintained in an appropriate state or federal court sitting
17 in Iowa.

18 The bill requires the director of DAS to establish, publish,
19 and enforce rules prohibiting a person from holding more than
20 six events on the grounds outside the capitol building per year.
21 The rules must also prohibit a person from holding such an event
22 unless the director receives a recommendation for the event from
23 a statewide elected official or from a member of each chamber of
24 the general assembly.

25 The bill applies to contracts entered into or renewed on or
26 after the effective date of the bill.