

House Amendment 8453

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1 1 Amend House File 2752 as follows:
1 2 #1. Page 2, by inserting after line 9 the
1 3 following:
1 4 <Sec. ____ Section 8A.321, subsection 7, Code
1 5 Supplement 2005, is amended to read as follows:
1 6 7. a. Unless otherwise provided by law,
1 7 coordinate the location, design, plans and
1 8 specifications, construction, and ultimate use of the
1 9 real or personal property to be purchased by a state
1 10 agency for whose benefit and use the property is being
1 11 obtained. If the purchase of real or personal
1 12 property is to be financed pursuant to section 12.28,
1 13 the department shall cooperate with the treasurer of
1 14 state in providing the information necessary to
1 15 complete the financing of the property.
1 16 A contract for acquisition, construction, erection,
1 17 demolition, alteration, or repair by a private person
1 18 of real or personal property to be lease-purchased by
1 19 the treasurer of state pursuant to section 12.28 is
1 20 exempt from section 8A.311, subsections 1 and 10,
1 21 unless the lease-purchase contract is funded in
1 22 advance by a deposit of the lessor's moneys to be
1 23 administered by the treasurer of state under a lease=
1 24 purchase contract which requires rent payments to
1 25 commence upon delivery of the lessor's moneys to the
1 26 lessee.
1 27 b. Prior to entering into a contract for the
1 28 acquisition of real property intended to be used for
1 29 the construction or location of a facility at which
1 30 services shall be offered or provided by a state
1 31 agency primarily for public use and access, the
1 32 director shall conduct a public hearing on the
1 33 question of location selection. The director shall
1 34 coordinate with the director of the department for the
1 35 blind, the director of transportation, and the
1 36 executive secretary of the state board of regents if
1 37 and to the extent that a proposed acquisition of real
1 38 property involves public use relating to a function or
1 39 service falling within the scope of chapters 216B,
1 40 307, and 262, respectively. The state agency shall
1 41 cause a notice of the public hearing to be published
1 42 once in a newspaper of general circulation in the
1 43 county or city where the location has been proposed.
1 44 The notice shall be published at least four but no
1 45 more than twenty days before the public hearing is
1 46 held. The published notice shall, at a minimum,
1 47 include the following information:
1 48 (1) The general nature of the proposed project and
1 49 rationale for the selection of the proposed location
1 50 for the project.
2 1 (2) The process proposed to be followed in making
2 2 the final selection of the site location and funding
2 3 the final site-specific design.
2 4 (3) The time and place of the public hearing at
2 5 which an opportunity is provided for public input into
2 6 the location decision.
2 7 (4) The name, address, telephone number, and
2 8 electronic mail address, if applicable, of the contact
2 9 person regarding the location decision.
2 10 c. If the director or directors determine that
2 11 input received during the public hearing demonstrates
2 12 that a significant degree of public opposition or
2 13 concern appears to exist regarding the location
2 14 decision, the director or directors shall delay the
2 15 execution of a contract by the state agency pending
2 16 departmental review and subsequent referral to the
2 17 executive council for a recommendation relating to the
2 18 decision.
2 19 d. The public hearing requirements of paragraph
2 20 "b" shall not apply during the existence of an
2 21 emergency requiring construction or location in
2 22 situations where failure to immediately construct or
2 23 locate would result in immediate danger to public
2 24 health, safety, or welfare.>

2 25 #2. Page 5, by inserting after line 31 the
2 26 following:
2 27 <Sec. _____. APPLICABILITY. This section of this
2 28 Act providing for a public hearing procedure prior to
2 29 the selection of a location for services accessed by
2 30 the public is applicable to the acquisition of real
2 31 property intended to be used for the construction or
2 32 location of a facility at which services shall be
2 33 offered or provided primarily for public use by state
2 34 agencies entering into contracts under the purview of
2 35 the department of administrative services, and the
2 36 department for the blind, the state department of
2 37 transportation, the state board of regents, and any
2 38 other acquisition relating to public use facilities
2 39 made by or on behalf of the state.>
2 40 #3. Title page, line 1, by inserting after the
2 41 word <bidding> the following: <and service location>.
2 42 #4. Title page, line 1, by inserting after the
2 43 word <purchases> the following: <and public services
2 44 and including an applicability provision>.
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2 48 _____
2 49 PETERSEN of Polk
2 49 HF 2752.701 81
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