

State Government  
Drake, Chairperson  
Schwengels  
Nystrom  
Slater  
Carr

FILED 'JAN 29 1981

SENATE FILE 146

*has State Govt 2/20*

Senate File 146

COMMITTEE ON STATE GOVERNMENT

*Report 1-29 (p 276)*

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

*Amended per 3445 - 2 Do Pass 4/2/81 (S. 1020) -*

Passed Senate, Date 2-9-81 (p 334) Passed House, Date 4-24-81 (p 1407)

Vote: Ayes 44 Nays 0 Vote: Ayes 78 Nays 20

Approved June 14, 1981

*Meeting to amend 2/10 with 2/13*  
*Report Senate 4-29-81 (p 1485)*  
4-1-0

*Report House 5-19-81 (p 2048)*  
89-9

# A BILL FOR

1 An Act relating to procedures for construction, repair and  
2 improvement of public buildings.

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

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1 Section 1. Section 23.2, Code 1981, is amended to read  
2 as follows:

3 23.2 NOTICE OF HEARING. Before any municipality shall  
4 enter into any contract for any public improvement to cost  
5 ~~five~~ twenty-five thousand dollars or more, the governing body  
6 proposing to make ~~such~~ the contract shall adopt proposed plans  
7 and specifications and proposed form of contract ~~therefor~~,  
8 fix a time and place for hearing ~~thereon~~ at ~~such~~ the  
9 municipality affected ~~thereby~~ or other nearby convenient  
10 place, and give notice ~~thereof~~ by publication in at least  
11 one newspaper of general circulation in ~~such~~ the municipality  
12 at least ten days before ~~said~~ the hearing.

13 Sec. 2. Section 262.34, Code 1981, is amended to read  
14 as follows:

15 262.34 IMPROVEMENTS--ADVERTISEMENT FOR BIDS. When the  
16 estimated cost of construction, repairs, or improvement of  
17 buildings or grounds under charge of the state board of regents  
18 ~~shall-exceed-ten~~ exceeds twenty-five thousand dollars, the  
19 ~~said~~ board shall advertise for bids for the contemplated  
20 improvement or construction and shall let the work to the  
21 lowest responsible bidder, ~~provided, however,~~ However, if  
22 in the judgment of the board bids received ~~be~~ are not  
23 acceptable, the ~~said~~ board may reject all bids and proceed  
24 with the construction, repair, or improvement by such method  
25 as the board may determine. All plans and specifications  
26 for repairs or construction, together with bids thereon, shall  
27 be filed by the board and be open for public inspection.  
28 All bids submitted under ~~the-provisions-of~~ this section shall  
29 be accompanied by a deposit of money or a certified check  
30 in ~~such~~ an amount as the board may prescribe.

31 EXPLANATION

32 This bill increases to \$25,000 the limit on entering into  
33 construction contracts for which a hearing is required by  
34 the awarding governmental body. Section 1 applies to the  
35 county, townships, school corporations, state fair board,

1 state board of regents and department of social services.

2 Section 2 applies to the state board of regents.

3 This bill takes effect July 1 following its enactment.

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SENATE FILE 146  
FISCAL NOTE

REQUESTED BY SENATOR NYSTROM

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 146 pursuant to Joint Rule 16.

Senate File 146, An Act relating to procedures for construction, repair and improvement of public buildings.

This bill increases to \$25,000 the limit on entering into construction contracts for which a hearing is required by the awarding governmental body. Section 1 applies to the County, Townships, school corporations, state fair board, state board of regents and department of social services. Section 2 applies to the state board of regents.

No fiscal note necessary, minimal fiscal impact.

FILED  
FEBURARY 2, 1981

BY GERRY RANKIN, DIRECTOR  
LEGISLATIVE FISCAL BUREAU

SENATE FILE 146

H-3744

1 Amend H-3445, filed by the Committee on State  
2 Government, to Senate File 146, as passed by the  
3 Senate, as follows:

4 1. Page 3, by striking lines 33 through 44 and  
5 inserting in lieu thereof the following: "is amended  
6 by striking the subsection and inserting in lieu  
7 thereof the following:

8 1. Sections 23.2 and 23.18 are applicable to the  
9 construction and repair of school buildings. Before  
10 construction of a school building for which the cost  
11 of construction exceeds twenty-five thousand dollars,  
12 the board of directors of a school district shall  
13 send a copy of the plans to the building consultant  
14 in the department of public instruction for review.  
15 The board of directors may submit for review a copy  
16 of the plans for repair or renovation of a school  
17 building. The building consultant shall return the  
18 plans together with any recommendations to the board  
19 of directors within thirty days following the receipt  
20 of the plans."

H-3744 FILED APRIL 21, 1981 BY SPEAR of Lee

*Adopted 4/24/81 (p. 1407)*

SENATE FILE 146

H-3745

1 Amend the committee amendment H-3445 to Senate  
2 File 146 as passed by the Senate as follows:

3 1. Page 1, line 11, by striking the word "shall"  
4 and inserting in lieu thereof the words "~~shall~~ may".

5 2. Page 1, line 33, by striking the word "shall"  
6 and inserting in lieu thereof the words "~~shall~~ may".

7 3. Page 3, line 20, by inserting after the word  
8 "readvertise" the words "or may reject all bids and  
9 proceed with the construction, repair or improvement  
10 by such means the commissioner may determine if the  
11 bids are not acceptable".

12 4. Page 3, by inserting after line 29 the  
13 following:

14 "2. Page 1, line 19, by striking the word "shall"  
15 and inserting in lieu thereof the words "~~shall~~ may".

16 3. Page 1, line 20, by striking the word "shall"  
17 and inserting in lieu thereof the words "~~shall~~ may"."

18 5. Page 4, line 27, by striking the word "shall"  
19 and inserting in lieu thereof the words "~~shall~~ may".

20 6. Page 4, line 42, by striking the word "shall"  
21 and inserting in lieu thereof the words "~~shall~~ may".

22 7. By renumbering to conform with this amendment.

H-3745 FILED APRIL 21, 1981 BY SCHROEDER of Pottawattamie

*7/5 4/24/81 (p. 1405)*



SENATE FILE 146

H-3445

1 Amend Senate File 146 as passed by the Senate as  
2 follows:

3 1. Page 1, by inserting after line 12 the  
4 following:

5 "Sec. 2. Section 23.18, Code 1981, is amended  
6 to read as follows:

7 23.18 BIDS REQUIRED--PROCEDURE. When the estimated  
8 total cost of construction, erection, demolition,  
9 alteration or repair of any public improvement exceeds  
10 ~~five~~ twenty-five thousand dollars, the municipality  
11 shall advertise for bids on the proposed improvement  
12 by two publications in a newspaper published in the  
13 county in which the work is to be done, the first  
14 of which shall be not less than fifteen days prior  
15 to the date set for receiving bids, and shall let  
16 the work to the lowest responsible bidder submitting  
17 a sealed proposal, ~~provided, however,~~ However, if  
18 in the judgment of the municipality bids received  
19 be are not acceptable, all bids may be rejected and  
20 new bids requested. All bids must be accompanied,  
21 in a separate envelope, by a deposit of money or  
22 certified check in an amount to be named in the  
23 advertisement for bids as security that the bidder  
24 will enter into a contract for the doing of the work.  
25 The municipality shall fix ~~said~~ the bid security in  
26 an amount equal to at least five percent, but not  
27 more than ten percent of the estimated total cost  
28 of the work. The checks or deposits of money of the  
29 unsuccessful bidders shall be returned as soon as  
30 the successful bidder is determined, and the check  
31 or deposit of money of the successful bidder shall  
32 be returned upon execution of the contract documents.  
33 This section shall not apply to the construction,  
34 erection, demolition, alteration or repair of any  
35 public improvement when the contracting procedure  
36 for the doing of the work is provided for in another  
37 provision of law.

38 Sec. 3. Section 111A.6, unnumbered paragraph 1,  
39 Code 1981, is amended to read as follows:

40 Upon the adoption ~~of any county of the provisions~~  
41 of this chapter, the ~~county~~ board of supervisors of  
42 ~~such~~ the county may by resolution appropriate an  
43 amount of money from the general fund of the county  
44 for the payment of expenses incurred by the county  
45 conservation board in carrying out its powers and  
46 duties. The board of supervisors may temporarily  
47 transfer by resolution, any unobligated funds from  
48 the general fund of the county to the county  
49 conservation fund in anticipation of or to match  
50 committed receipts of private assistance or federal

1 ~~funds-from-the-Heritage-Conservation-and-Recreation~~  
2 ~~Service~~ or state aid funds. The transferred funds  
3 shall be returned to the general fund of the county  
4 within ~~such~~ a time not to exceed five years as  
5 specified by the board of supervisors or upon receipt  
6 of the federal or state funds, whichever date is  
7 earlier. The board of supervisors may levy or cause  
8 to be levied an annual tax, in addition to all other  
9 taxes, of not more than twenty-seven cents per thousand  
10 dollars of the assessed value of all real and personal  
11 property subject to taxation within ~~such~~ the county,  
12 upon proper certification by ~~said~~ the county con-  
13 servation board made pursuant to and in compliance  
14 with all of the provisions of chapter 24, which tax  
15 shall be collected by the county treasurer as other  
16 taxes are collected, and shall be paid into a separate  
17 ~~and-distinct~~ fund to be known as the county  
18 conservation fund, to be paid out upon the warrants  
19 drawn by the county auditor upon requisition of the  
20 county conservation board for the payment of expenses  
21 incurred in carrying out the powers and duties of  
22 ~~said~~ the conservation board. The county conservation  
23 board shall ~~have-no-power-or-authority-to~~ not contract  
24 any debt or obligation ~~in-any-year~~ in excess of the  
25 moneys in the hands of the county treasurer immediately  
26 available for such purposes, except the board of  
27 supervisors may authorize deferred payments for land  
28 acquisition purchases not to exceed one-fourth of  
29 the annual conservation fund levy nor to extend over  
30 a period of more than ten years or, and except for  
31 projects to be financed from unobligated funds in  
32 the county conservation fund and or committed federal  
33 ~~matching~~ or state grants. Any A single expenditure  
34 of, or contract to expend, ~~a-sum-of-five~~ twenty-five  
35 ~~thousand dollars shall-be~~ or more is subject to the  
36 provisions of chapter 23. Gifts, contributions, and  
37 bequests of money and all rent, licenses, fees, and  
38 charges and other revenue or money received or col-  
39 lected by the board shall be deposited in the county  
40 conservation fund to be used for the purchase of ~~land,~~  
41 property ~~and-equipment~~ and the payment of expenses  
42 incurred in carrying out the activities of the board,  
43 except that moneys given, bequeathed, or contributed  
44 upon specified trusts shall be held and applied in  
45 accordance with the trust specified.

46 Sec. 4. Section 218.59, Code 1981, is amended  
47 to read as follows:

48 218.59 PLANS AND SPECIFICATIONS. ~~Said~~ The  
49 commissioner shall cause plans and specifications  
50 to be prepared for all improvements authorized and

1 costing over five twenty-five thousand dollars. No  
2 appropriation for any improvement shall be expended  
3 until the adoption of suitable plans and  
4 specifications, prepared by a competent architect,  
5 and accompanied by a detailed statement of the amount,  
6 quality, and description of all material and labor  
7 required for the completion of such the improvement.

8 No plans shall be adopted, and no improvement shall  
9 be constructed, which contemplates an expenditure  
10 of money in excess of the appropriation.

11 Sec. 5. Section 218.60, Code 1981, is amended  
12 to read as follows:

13 218.60 LETTING OF CONTRACTS--REPAIRS OR  
14 ALTERATIONS. The commissioner shall, in writing,  
15 let all contracts for authorized improvements costing  
16 in excess of five twenty-five thousand dollars to  
17 the lowest responsible bidder, after such advertisement  
18 for bids as the commissioner may deem proper in order  
19 to secure full competition. The commissioner may  
20 reject all bids and readvertise. ~~Provided, however,~~  
21 ~~if the improvement be the repair or alteration of~~  
22 ~~any building or grounds and is not new construction~~  
23 ~~and the estimated cost thereof does not exceed twenty-~~  
24 ~~five thousand dollars, the commissioner with the~~  
25 ~~approval of the executive council may proceed with~~  
26 ~~such repairs or alterations under a negotiated contract~~  
27 ~~on such terms as the commissioner and the executive~~  
28 ~~council may determine to be for the best interests~~  
29 ~~of the state."~~

30 2. Page 1, by inserting after line 30 the  
31 following:

32 "Sec. 7. Section 297.7, subsection 1, Code 1981,  
33 is amended to read as follows:

34 1. The provisions of sections 23.2 and 23.18 shall  
35 be applicable to the construction or repair of school  
36 buildings. Before constructing any school building  
37 at a cost of more than five twenty-five thousand  
38 dollars, the board of directors shall consult with  
39 the building consultant in the department of public  
40 instruction as to the most approved plan for such  
41 building, and the building consultant shall return  
42 the plan together with any recommendations to the  
43 board of directors within thirty days following the  
44 receipt of the plan.

45 Sec. 8. Section 297.8, Code 1981, is amended to  
46 read as follows:

47 297.8 EMERGENCY REPAIRS. When emergency repairs  
48 costing more than twenty twenty-five thousand dollars  
49 are necessary in order to prevent the closing of any  
50 school, the provisions of the law with reference to

1 advertising for bids shall not apply, and in that  
2 event the board may contract for such emergency repairs  
3 without advertising for bids. However, before such  
4 emergency repairs can be made to any schoolhouse,  
5 it shall be necessary to procure a certificate from  
6 the area education agency administrator that such  
7 emergency repairs are necessary to prevent the closing  
8 of the school.

9 Sec. 9. Section 332.7, subsections 1 and 2, Code  
10 1981, are amended to read as follows:

11 1. If the probable cost of constructing or  
12 repairing a court building will exceed ~~five~~ twenty-  
13 five thousand dollars, the county building shall be  
14 constructed or repaired only after bid proposals for  
15 the construction or repair have been invited by  
16 advertisement once each week for three consecutive  
17 weeks in all of the official newspapers of the county  
18 in which the work is to be done and under an express  
19 written contract. The detailed plans and  
20 specifications for ~~such~~ the improvements shall be  
21 on file and open to public inspection in the office  
22 of the auditor of the county in which the work is  
23 to be done before advertisement for bids.

24 2. If the probable cost of constructing or  
25 repairing a county building will not exceed ~~five~~  
26 twenty-five thousand dollars, the county building  
27 shall be constructed or repaired under an express  
28 written contract awarded through the formal bidding  
29 procedures specified in subsection 1 or through  
30 informal bidding procedures by notifying in writing  
31 at least three qualified bidders at least two weeks  
32 before letting the contract, except for repairs  
33 specified in subsection 3. The informal bids received  
34 and a statement of the reasons for use of the informal  
35 procedure and bid acceptance shall be entered in the  
36 minutes of the meeting of the board of supervisors  
37 at which such action is taken.

38 Sec. 10. Section 346.26, subsection 4, Code 1981,  
39 is amended to read as follows:

40 4. Contracts for the construction of any building  
41 which involve the expenditure of ~~five~~ twenty-five  
42 thousand dollars or more shall be entered into pursuant  
43 to advertisement for bids in a manner approved and  
44 authorized by both the board of supervisors of the  
45 county and the council of the city. A county may  
46 apply for and accept federal aid in the construction  
47 of a building under this section, subject to conditions  
48 and stipulations imposed in connection with the federal  
49 aid and as approved by the board of supervisors."

50 3. By renumbering to conform with this amendment.

SENATE FILE 146

H-3751

1 Amend amendment H-3680 to Senate File 146 as  
2 follows:  
3 1. Page 1, by striking lines 10 through 17 and  
4 inserting in lieu thereof the following: "construction,  
5 repair, or renovation of a school building, the board  
6 of directors of a school district may send a copy of  
7 the plans to the building consultant in the department  
8 of public instruction for review. The building consultant  
9 shall return the".

H-3751 FILED APRIL 22, 1981 BY RITSEMA of Sioux

*Placed out of order 4/24/81 (p. 1407)*

SENATE FILE 146

H-3789

1 Amend amendment H-3445 to Senate File 146 as  
2 passed by the Senate as follows:  
3 1. Page 1, line 33, by striking the word "not"  
4 and inserting in lieu thereof the word "net".  
5 2. Page 3, line 20, by inserting after the word  
6 "readvertise" the words "or may reject all bids and  
7 proceed with the construction, repair or improvement  
8 by such means the commissioner may determine if the  
9 bids are not acceptable".

H-3789 FILED APRIL 23, 1981 BY SCHROEDER of Pottawattamie

*Lost 4/24/81 (p. 1405)*

SENATE FILE 146

H-3812

1 Amend amendment H-3445 to Senate File 146, as amended,  
2 passed and reprinted by the Senate, as follows:  
3 1. Page 3, by striking lines 30 through 44.

H-3812 FILED APRIL 24, 1981 BY RITSEMA of Sioux

*Lost 4/24/81 (p. 1406)*

HOUSE AMENDMENT TO SENATE FILE 146

S-3579

1 Amend Senate File 146 as passed by the Senate as  
2 follows:

3 1. Page 1, by inserting after line 12 the  
4 following:

5 "Sec. 2. Section 23.18, Code 1981, is amended  
6 to read as follows:

7 23.18 BIDS REQUIRED--PROCEDURE. When the estimated  
8 total cost of construction, erection, demolition,  
9 alteration or repair of any public improvement exceeds  
10 five twenty-five thousand dollars, the municipality  
11 shall advertise for bids on the proposed improvement  
12 by two publications in a newspaper published in the  
13 county in which the work is to be done, the first  
14 of which shall be not less than fifteen days prior  
15 to the date set for receiving bids, and shall let  
16 the work to the lowest responsible bidder submitting  
17 a sealed proposal, ~~provided, however.~~ However, if  
18 in the judgment of the municipality bids received  
19 be are not acceptable, all bids may be rejected and  
20 new bids requested. All bids must be accompanied,  
21 in a separate envelope, by a deposit of money or  
22 certified check in an amount to be named in the  
23 advertisement for bids as security that the bidder  
24 will enter into a contract for the doing of the work.  
25 The municipality shall fix said the bid security in  
26 an amount equal to at least five percent, but not  
27 more than ten percent of the estimated total cost  
28 of the work. The checks or deposits of money of the  
29 unsuccessful bidders shall be returned as soon as  
30 the successful bidder is determined, and the check  
31 or deposit of money of the successful bidder shall  
32 be returned upon execution of the contract documents.  
33 This section shall not apply to the construction,  
34 erection, demolition, alteration or repair of any  
35 public improvement when the contracting procedure  
36 for the doing of the work is provided for in another  
37 provision of law.

38 Sec. 3. Section 111A.6, unnumbered paragraph 1,  
39 Code 1981, is amended to read as follows:

40 Upon the adoption ~~of any county of the provisions~~  
41 of this chapter, the ~~county~~ board of supervisors of  
42 ~~such~~ the county may by resolution appropriate an  
43 amount of money from the general fund of the county  
44 for the payment of expenses incurred by the county  
45 conservation board in carrying out its powers and  
46 duties. The board of supervisors may temporarily  
47 transfer by resolution, any unobligated funds from  
48 the general fund of the county to the county  
49 conservation fund in anticipation of or to match  
50 committed receipts of private assistance or federal

S-3579 - PAGE 2

1 ~~funds-from-the-Heritage-Conservation-and-Recreation~~  
2 ~~Service or state aid funds.~~ The transferred funds  
3 shall be returned to the general fund of the county  
4 within such a time not to exceed five years as  
5 specified by the board of supervisors or upon receipt  
6 of the federal or state funds, whichever date is  
7 earlier. The board of supervisors may levy or cause  
8 to be levied an annual tax, in addition to all other  
9 taxes, of not more than twenty-seven cents per thousand  
10 dollars of the assessed value of all real and personal  
11 property subject to taxation within such the county,  
12 upon proper certification by said the county con-  
13 servation board made pursuant to and in compliance  
14 with all of the provisions of chapter 24, which tax  
15 shall be collected by the county treasurer as other  
16 taxes are collected, and shall be paid into a separate  
17 ~~and-distinct~~ fund to be known as the county  
18 conservation fund, to be paid out upon the warrants  
19 drawn by the county auditor upon requisition of the  
20 county conservation board for the payment of expenses  
21 incurred in carrying out the powers and duties of  
22 said the conservation board. The county conservation  
23 board ~~shall have no power or authority to~~ not contract  
24 any debt or obligation ~~in any year~~ in excess of the  
25 moneys in the hands of the county treasurer immediately  
26 available for such purposes, except the board of  
27 supervisors may authorize deferred payments for land  
28 acquisition purchases not to exceed one-fourth of  
29 the annual conservation fund levy nor to extend over  
30 a period of more than ten years ~~or~~, and except for  
31 projects to be financed from unobligated funds in  
32 the county conservation fund and or committed federal  
33 matching or state grants. Any A single expenditure  
34 of, or contract to expend, a sum of five twenty-five  
35 thousand dollars ~~shall be~~ or more is subject to the  
36 provisions of chapter 23. Gifts, contributions, and  
37 bequests of money and all rent, licenses, fees, and  
38 charges and other revenue or money received or col-  
39 lected by the board shall be deposited in the county  
40 conservation fund to be used for the purchase of ~~land,~~  
41 ~~property and equipment~~ and the payment of expenses  
42 incurred in carrying out the activities of the board,  
43 except that moneys given, bequeathed, or contributed  
44 upon specified trusts shall be held and applied in  
45 accordance with the trust specified.

46 Sec. 4. Section 218.59, Code 1981, is amended  
47 to read as follows:

48 218.59 PLANS AND SPECIFICATIONS. Said The  
49 commissioner shall cause plans and specifications  
50 to be prepared for all improvements authorized and

1 costing over five twenty-five thousand dollars. No  
2 appropriation for any improvement shall be expended  
3 until the adoption of suitable plans and  
4 specifications, prepared by a competent architect,  
5 and accompanied by a detailed statement of the amount,  
6 quality, and description of all material and labor  
7 required for the completion of such the improvement.

8 No plans shall be adopted, and no improvement shall  
9 be constructed, which contemplates an expenditure  
10 of money in excess of the appropriation.

11 Sec. 5. Section 218.60, Code 1981, is amended  
12 to read as follows:

13 218.60 LETTING OF CONTRACTS--REPAIRS OR  
14 ALTERATIONS. The commissioner shall, in writing,  
15 let all contracts for authorized improvements costing  
16 in excess of five twenty-five thousand dollars to  
17 the lowest responsible bidder, after such advertisement  
18 for bids as the commissioner may deem proper in order  
19 to secure full competition. The commissioner may  
20 reject all bids and readvertise. ~~Provided, however,~~  
21 ~~if the improvement be the repair or alteration of~~  
22 ~~any building or grounds and is not new construction~~  
23 ~~and the estimated cost thereof does not exceed twenty-~~  
24 ~~five thousand dollars, the commissioner with the~~  
25 ~~approval of the executive council may proceed with~~  
26 ~~such repairs or alterations under a negotiated contract~~  
27 ~~on such terms as the commissioner and the executive~~  
28 ~~council may determine to be for the best interests~~  
29 ~~of the state."~~

30 2. Page 1, by inserting after line 30 the  
31 following:

32 "Sec. 7. Section 297.7, subsection 1, Code 1981,  
33 is amended by striking the subsection and inserting  
34 in lieu thereof the following:

35 1. Sections 23.2 and 23.18 are applicable to the  
36 construction and repair of school buildings. Before  
37 construction of a school building for which the cost  
38 of construction exceeds twenty-five thousand dollars,  
39 the board of directors of a school district shall  
40 send a copy of the plans to the building consultant  
41 in the department of public instruction for review.  
42 The board of directors may submit for review a copy  
43 of the plans for repair or renovation of a school  
44 building. The building consultant shall return the  
45 plans together with any recommendations to the board  
46 of directors within thirty days following the receipt  
47 of the plans.

48 Sec. 8. Section 297.8, Code 1981, is amended to  
49 read as follows:

50 297.8 EMERGENCY REPAIRS. When emergency repairs

1 costing more than twenty twenty-five thousand dollars  
2 are necessary in order to prevent the closing of any  
3 school, the provisions of the law with reference to  
4 advertising for bids shall not apply, and in that  
5 event the board may contract for such emergency repairs  
6 without advertising for bids. However, before such  
7 emergency repairs can be made to any schoolhouse,  
8 it shall be necessary to procure a certificate from  
9 the area education agency administrator that such  
10 emergency repairs are necessary to prevent the closing  
11 of the school.

12 Sec. 9. Section 332.7, subsections 1 and 2, Code  
13 1981, are amended to read as follows:

14 1. If the probable cost of constructing or  
15 repairing a court building will exceed five twenty-  
16 five thousand dollars, the county building shall be  
17 constructed or repaired only after bid proposals for  
18 the construction or repair have been invited by  
19 advertisement once each week for three consecutive  
20 weeks in all of the official newspapers of the county  
21 in which the work is to be done and under an express  
22 written contract. The detailed plans and  
23 specifications for such the improvements shall be  
24 on file and open to public inspection in the office  
25 of the auditor of the county in which the work is  
26 to be done before advertisement for bids..

27 2. If the probable cost of constructing or  
28 repairing a county building will not exceed five  
29 twenty-five thousand dollars, the county building  
30 shall be constructed or repaired under an express  
31 written contract awarded through the formal bidding  
32 procedures specified in subsection 1 or through  
33 informal bidding procedures by notifying in writing  
34 at least three qualified bidders at least two weeks  
35 before letting the contract, except for repairs  
36 specified in subsection 3. The informal bids received  
37 and a statement of the reasons for use of the informal  
38 procedure and bid acceptance shall be entered in the  
39 minutes of the meeting of the board of supervisors  
40 at which such action is taken.

41 Sec. 10. Section 346.26, subsection 4, Code 1981,  
42 is amended to read as follows:

43 4. Contracts for the construction of any building  
44 which involve the expenditure of five twenty-five  
45 thousand dollars or more shall be entered into pursuant  
46 to advertisement for bids in a manner approved and  
47 authorized by both the board of supervisors of the  
48 county and the council of the city. A county may  
49 apply for and accept federal aid in the construction  
50 of a building under this section, subject to conditions

1 and stipulations imposed in connection with the federal  
2 aid and as approved by the board of supervisors."

3 3. By renumbering to conform with this amendment.

SENATE AMENDMENT TO HOUSE AMENDMENT  
TO SENATE FILE 146

H-3939

1 Amend S-3579, the House amendment to Senate File  
2 146, as passed by the Senate, as follows:

3 1. By striking page 1, line 39, through page 2,  
4 line 45, and inserting in lieu thereof the following:  
5 "Code 1981, as amended by Acts of the Sixty-ninth  
6 General Assembly, 1981 Session, Senate File 130,  
7 section 1014, is amended to read as follows:

8 Upon the adoption by a county of this chapter,  
9 the county board of supervisors may appropriate an  
10 amount of money as provided in section 423, subsection  
11 3, paragraph d, of this Act. The board of supervisors  
12 may levy an annual tax as provided in section 421,  
13 subsection 6, of this Act. The board of supervisors  
14 may authorize deferred payments for land acquisition  
15 purchases not to exceed one-fourth of the annual levy  
16 nor to extend over a period of more than ten years  
17 ~~unless the purchases are.~~ The county conservation  
18 board shall not otherwise contract an obligation in  
19 excess of the moneys immediately available for the  
20 purposes of that obligation except for projects to  
21 be financed from unobligated funds and or committed  
22 federal matching or state grants. The county  
23 conservation board is subject to the contract letting  
24 procedures in section 340, subsections 1, 2, and 4,  
25 of this Act. Gifts, contributions and bequests of  
26 money and rent, licenses, fees, charges, and other  
27 revenue received by the county conservation board  
28 shall be used for the purchase of land, property,  
29 ~~and equipment~~ and the payment of expenses incurred  
30 in carrying out the activities of the board, except  
31 that moneys given, bequeathed, or contributed upon  
32 specified trusts shall be held and applied in  
33 accordance with the trust specified. Upon request  
34 of the county conservation board, the county board  
35 of supervisors may issue general county purpose bonds  
36 for the purposes in section 440, subsection 2,  
37 paragraph c, subparagraph (2), of this Act as provided  
38 in sections 441 and 443 through 448 of this Act."

39 2. By striking page 4, line 12, through page 5,  
40 line 2, and inserting in lieu thereof the following:

41 "Sec. 9. Acts of the Sixty-ninth General Assembly,  
42 1981 Session, Senate File 130, section 423, subsection  
43 3, paragraph d, is amended to read as follows:

44 d. To the county conservation fund, for the  
45 maintenance of lands under the jurisdiction of the  
46 state conservation commission, by agreement under  
47 section 111.27, and for the payment of expenses  
48 incurred by the county conservation board in carrying  
49 out its powers and duties. The board, without approval  
50 of the state appeal board, may temporarily transfer

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May 4, 1981

Page Two  
H-3939

1 unobligated moneys to the county conservation fund  
2 in anticipation of or to match committed receipts  
3 of private assistance or federal or state aid funds  
4 ~~from the heritage conservation and recreation service,~~  
5 the moneys to be returned to the general fund within  
6 five years or upon receipt of federal or state funds,  
7 if that occurs first."

H-3939 FILED MAY 1, 1981

RECEIVED FROM THE SENATE

*Have concurred 5/19/81 (p. 2048)*

S-3614

1 Amend S-3579, the House amendment to Senate File  
2 146, as passed by the Senate, as follows:

3 1. By striking page 1, line 39, through page 2,  
4 line 45, and inserting in lieu thereof the following:  
5 "Code 1981, as amended by Acts of the Sixty-ninth  
6 General Assembly, 1981 Session, Senate File 130,  
7 section 1014, is amended to read as follows:

8 Upon the adoption by a county of this chapter,  
9 the county board of supervisors may appropriate an  
10 amount of money as provided in section 423, subsection  
11 3, paragraph d, of this Act. The board of supervisors  
12 may levy an annual tax as provided in section 421,  
13 subsection 6, of this Act. The board of supervisors  
14 may authorize deferred payments for land acquisition  
15 purchases not to exceed one-fourth of the annual levy  
16 nor to extend over a period of more than ten years  
17 ~~unless-the-purchases-are~~ . The county conservation  
18 board shall not otherwise contract an obligation in  
19 excess of the moneys immediately available for the  
20 purposes of that obligation except for projects to  
21 be financed from unobligated funds and or committed  
22 federal matching or state grants. The county  
23 conservation board is subject to the contract letting  
24 procedures in section 340, subsections 1, 2, and 4,  
25 of this Act. Gifts, contributions and bequests of  
26 money and rent, licenses, fees, charges, and other  
27 revenue received by the county conservation board  
28 shall be used for the purchase of ~~land~~ property,  
29 ~~and-equipment~~ and the payment of expenses incurred  
30 in carrying out the activities of the board, except  
31 that moneys given, bequeathed, or contributed upon  
32 specified trusts shall be held and applied in  
33 accordance with the trust specified. Upon request  
34 of the county conservation board, the county board  
35 of supervisors may issue general county purpose bonds  
36 for the purposes in section 440, subsection 2,  
37 paragraph c, subparagraph (2), of this Act as provided  
38 in sections 441 and 443 through 448 of this Act."

39 2. By striking page 4, line 12, through page 5,  
40 line 2, and inserting in lieu thereof the following:

41 "Sec. 9. Acts of the Sixty-ninth General Assembly,  
42 1981 Session, Senate File 130, section 423, subsection  
43 3, paragraph d, is amended to read as follows:

44 d. To the county conservation fund, for the  
45 maintenance of lands under the jurisdiction of the  
46 state conservation commission, by agreement under  
47 section 111.27, and for the payment of expenses  
48 incurred by the county conservation board in carrying  
49 out its powers and duties. The board, without approval  
50 of the state appeal board, may temporarily transfer

APRIL 30, 1981

S-3614

PAGE 2

1 unobligated moneys to the county conservation fund  
2 in anticipation of or to match committed receipts  
3 of private assistance or federal or state aid funds  
4 ~~from the heritage conservation and recreation service,~~  
5 the moneys to be returned to the general fund within  
6 five years or upon receipt of federal or state funds,  
7 if that occurs first."

S-3614 FILED & ADOPTED  
APRIL 29, 1981 (p. 1485)

BY RICHARD F. DRAKE

SENATE FILE 146

AN ACT

RELATING TO PROCEDURES FOR CONSTRUCTION, REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS.

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

Section 1. Section 23.2, Code 1981, is amended to read as follows:

23.2 NOTICE OF HEARING. Before any municipality shall enter into any contract for any public improvement to cost five twenty-five thousand dollars or more, the governing body proposing to make such the contract shall adopt proposed plans and specifications and proposed form of contract therefor, fix a time and place for hearing thereon at such the municipality affected thereby or other nearby convenient place, and give notice thereof by publication in at least one newspaper of general circulation in such the municipality at least ten days before said the hearing.

Sec. 2. Section 23.18, Code 1981, is amended to read as follows:

23.18 BIDS REQUIRED--PROCEDURE. When the estimated total cost of construction, erection, demolition, alteration or repair of any public improvement exceeds five twenty-five thousand dollars, the municipality shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done, the first of which shall be not less than fifteen days prior to

the date set for receiving bids, and shall let the work to the lowest responsible bidder submitting a sealed proposal, ~~provided, however.~~ However, if in the judgment of the municipality bids received be are not acceptable, all bids may be rejected and new bids requested. All bids must be accompanied, in a separate envelope, by a deposit of money or certified check in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The municipality shall fix ~~said~~ the bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The checks or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check or deposit of money of the successful bidder shall be returned upon execution of the contract documents. This section shall not apply to the construction, erection, demolition, alteration or repair of any public improvement when the contracting procedure for the doing of the work is provided for in another provision of law.

Sec. 3. Section 111A.6, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 1014, is amended to read as follows:

Upon the adoption by a county of this chapter, the county board of supervisors may appropriate an amount of money as provided in section 423, subsection 3, paragraph d, of this Act. The board of supervisors may levy an annual tax as provided in section 421, subsection 6, of this Act. The board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual levy nor to extend over a period of more than ten years ~~unless the purchases are.~~ The county conservation board shall not otherwise contract an obligation in excess of the moneys immediately available for the purposes of that obligation

except for projects to be financed from unobligated funds and or committed federal matching or state grants. The county conservation board is subject to the contract letting procedures in section 340, subsections 1, 2, and 4, of this Act. Gifts, contributions and bequests of money and rent, licenses, fees, charges, and other revenue received by the county conservation board shall be used for the purchase of land, property, and equipment and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified. Upon request of the county conservation board, the county board of supervisors may issue general county purpose bonds for the purposes in section 440, subsection 2, paragraph c, subparagraph (2), of this Act as provided in sections 441 and 443 through 448 of this Act.

Sec. 4. Section 218.59, Code 1981, is amended to read as follows:

218.59 PLANS AND SPECIFICATIONS. ~~Said~~ The commissioner shall cause plans and specifications to be prepared for all improvements authorized and costing over ~~five~~ twenty-five thousand dollars. No appropriation for any improvement shall be expended until the adoption of suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of ~~such~~ the improvement.

No plans shall be adopted, and no improvement shall be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 5. Section 218.60, Code 1981, is amended to read as follows:

218.60 LETTING OF CONTRACTS--REPAIRS OR ALTERATIONS. The commissioner shall, in writing, let all contracts for authorized improvements costing in excess of ~~five~~ twenty-five

thousand dollars to the lowest responsible bidder, after such advertisement for bids as the commissioner may deem proper in order to secure full competition. The commissioner may reject all bids and readvertise. ~~Provided, however, if the improvement be the repair or alteration of any building or grounds and is not new construction and the estimated cost thereof does not exceed twenty-five thousand dollars, the commissioner with the approval of the executive council may proceed with such repairs or alterations under a negotiated contract on such terms as the commissioner and the executive council may determine to be for the best interests of the state.~~

Sec. 6. Section 262.34, Code 1981, is amended to read as follows:

262.34 IMPROVEMENTS--ADVERTISEMENT FOR BIDS. When the estimated cost of construction, repairs, or improvement of buildings or grounds under charge of the state board of regents ~~shall exceed ten~~ exceeds twenty-five thousand dollars, the ~~said~~ board shall advertise for bids for the contemplated improvement or construction and shall let the work to the lowest responsible bidder, ~~provided, however,~~ However, if in the judgment of the board bids received ~~be~~ are not acceptable, the ~~said~~ board may reject all bids and proceed with the construction, repair, or improvement by such method as the board may determine. All plans and specifications for repairs or construction, together with bids thereon, shall be filed by the board and be open for public inspection. All bids submitted under ~~the provisions of~~ this section shall be accompanied by a deposit of money or a certified check in ~~such an~~ an amount as the board may prescribe.

Sec. 7. Section 297.7, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. Sections 23.2 and 23.18 are applicable to the construction and repair of school buildings. Before

construction of a school building for which the cost of construction exceeds twenty-five thousand dollars, the board of directors of a school district shall send a copy of the plans to the building consultant in the department of public instruction for review. The board of directors may submit for review a copy of the plans for repair or renovation of a school building. The building consultant shall return the plans together with any recommendations to the board of directors within thirty days following the receipt of the plans.

Sec. 8. Section 297.8, Code 1981, is amended to read as follows:

297.8 EMERGENCY REPAIRS. When emergency repairs costing more than twenty twenty-five thousand dollars are necessary in order to prevent the closing of any school, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to prevent the closing of the school.

Sec. 9. Acts of the Sixty-ninth General Assembly, 1981 Session, Senate File 130, section 423, subsection 3, paragraph d, is amended to read as follows:

d. To the county conservation fund, for the maintenance of lands under the jurisdiction of the state conservation commission, by agreement under section 111.27, and for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board, without approval of the state appeal board, may temporarily transfer unobligated moneys to the county conservation fund in anticipation of or to match committed receipts of private assistance or federal or state aid funds from the heritage conservation-and-recreation-service, the moneys to be returned

to the general fund within five years or upon receipt of federal or state funds, if that occurs first.

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

\_\_\_\_\_  
DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 146, Sixty-ninth General Assembly.

\_\_\_\_\_  
LINDA HOWARTH MACKAY  
Secretary of the Senate

Approved \_\_\_\_\_, 1981

\_\_\_\_\_  
ROBERT D. RAY  
Governor