

# House Study Bill 719

## Bill Text

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1 1 Section 1. Section [331.402](#), Code 1999, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 4. a. The board must follow the  
1 4 following procedures to authorize a contract for the purchase  
1 5 of land or the construction, reconstruction, or repair of a  
1 6 public improvement as defined in section 384.95, if the  
1 7 contract is satisfied by payment from the general fund or  
1 8 other source without incurring indebtedness and the amount of  
1 9 the contract exceeds the limits in subsection 3, paragraph  
1 10 "d", subparagraph (1).  
1 11 b. The board must institute proceedings for entering into  
1 12 a contract relating to land acquisition or a public  
1 13 improvement pursuant to paragraph "a" by causing a notice of  
1 14 the meeting to discuss entering into the contract, including a  
1 15 statement of the amount and purpose of the contract and the  
1 16 right to petition for an election, to be published as provided  
1 17 in section 331.305 at least ten days prior to the discussion  
1 18 meeting. No sooner than thirty days following the discussion  
1 19 meeting, the board shall hold a meeting at which action on the  
1 20 contract may be taken.  
1 21 c. If at any time before the end of the thirty-day period  
1 22 specified in paragraph "b", a petition is filed with the  
1 23 auditor in the manner provided by section 331.306 asking that  
1 24 the question of entering into the contract be submitted to the  
1 25 registered voters of the county, the board shall either by  
1 26 resolution declare the proposal to enter into the contract to  
1 27 have been abandoned or shall direct the county commissioner of  
1 28 elections to call a special election upon the question of  
1 29 entering into the contract. However, notwithstanding section  
1 30 331.306, the petition shall not require signatures in excess  
1 31 of one thousand persons. The question to be placed on the  
1 32 ballot shall be stated affirmatively in substantially the  
1 33 following manner: Shall the county of .... enter into a  
1 34 contract in the amount of \$.... for the purpose of ....?  
1 35 Notice of the election and its conduct shall be in the manner  
2 1 provided in section 331.442, subsections 2 through 4.  
2 2 d. If a petition is not filed or if a petition is filed  
2 3 and the proposition of entering into the contract is approved  
2 4 at an election, the board may proceed and enter into the  
2 5 contract.  
2 6 Sec. 2. STATE MANDATE INAPPLICABLE. Section 25B.2,  
2 7 subsection 3, shall not apply to this Act.  
2 8 EXPLANATION  
2 9 This bill provides for a referendum by a county electorate  
2 10 on a proposed contract to purchase land or construct,  
2 11 reconstruct, or repair a public improvement with moneys on  
2 12 hand and without incurring indebtedness. The public has 30  
2 13 days after proceedings for entering into the proposed contract  
2 14 for land or a public improvement are initiated to file a  
2 15 petition pursuant to Code section 331.306 to call for the  
2 16 referendum if the amount of the contract exceeds the following  
2 17 limits:  
2 18 1. \$400,000 in a county having a population of 25,000 or  
2 19 less.  
2 20 2. \$500,000 in a county having a population of more than  
2 21 25,000 and less than 50,000.

2 22 3. \$600,000 in a county having a population of more than  
2 23 50,000 but not more than 100,000.

2 24 4. \$800,000 in a county having a population of more than  
2 25 100,000 but not more than 200,000.

2 26 5. \$1,000,000 in a county having a population of more than  
2 27 200,000.

2 28 The petition shall not be required to contain more than  
2 29 1,000 signatures to place the question on the ballot.

2 30 If the petition is filed, the board of supervisors shall  
2 31 adopt a resolution abandoning the proposed contract or  
2 32 directing the county commissioner of elections to call a  
2 33 special election. If a petition is not filed or if the  
2 34 election results are favorable for the proposed contract, the  
2 35 board may proceed to enter into the contract.

3 1 The requirements of this bill shall not constitute a state  
3 2 mandate pursuant to Code section 25B.2.

3 3 LSB 6514HC 78

3 4 tj/cls/14