

Senate Study Bill 1062 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WILHELM)

A BILL FOR

1 An Act relating to the procedures to be followed for certain
2 county projects involving the judicial branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, subsection 10, paragraph e,
2 subparagraph (1), subparagraph divisions (a) and (b), Code
3 2011, are amended to read as follows:

4 (a) The board must follow substantially the authorization
5 procedures of section 331.443 to authorize a lease or
6 lease-purchase contract for personal property which is payable
7 from the general fund. The board must follow substantially
8 the authorization procedures of section 331.443 to authorize
9 a lease or lease-purchase contract for real property which is
10 payable from the general fund if the principal amount of the
11 lease-purchase contract does not exceed the following limits:

12 (i) ~~Four~~ Six hundred thousand dollars in a county having a
13 population of twenty-five thousand or less.

14 (ii) ~~Five~~ Seven hundred fifty thousand dollars in a county
15 having a population of more than twenty-five thousand but not
16 more than fifty thousand.

17 (iii) ~~Six~~ Nine hundred thousand dollars in a county having
18 a population of more than fifty thousand but not more than one
19 hundred thousand.

20 (iv) ~~Eight~~ One million two hundred thousand dollars in a
21 county having a population of more than one hundred thousand
22 but not more than two hundred thousand.

23 (v) One million five hundred thousand dollars in a county
24 having a population of more than two hundred thousand.

25 (b) (i) However, if the principal amount of a lease or
26 lease-purchase contract pursuant to this subparagraph (1) is
27 less than twenty-five thousand dollars, the board may authorize
28 the lease or lease-purchase contract without following the
29 authorization procedures of section 331.443.

30 (ii) If the board determines that at least fifty percent of
31 the real property to be leased or lease-purchased is to be used
32 or occupied by the judicial branch as referenced in section
33 602.1102, the board may follow the authorization procedures of
34 section 331.443 even if the principal amount of the lease or
35 lease-purchase contract exceeds the limitations in subparagraph

1 division (a).

2 Sec. 2. Section 331.402, subsection 3, paragraph d,
3 subparagraph (1), Code 2011, is amended to read as follows:

4 (1) (a) The board shall follow substantially the
5 authorization procedures of section 331.443 to authorize a
6 loan agreement for personal property which is payable from
7 the general fund. The board must follow substantially the
8 authorization procedures of section 331.443 to authorize a loan
9 agreement for real property which is payable from the general
10 fund if the principal amount of the loan agreement does not
11 exceed the following limits:

12 (a) (i) ~~Four~~ Six hundred thousand dollars in a county
13 having a population of twenty-five thousand or less.

14 (b) (ii) ~~Five~~ Seven hundred fifty thousand dollars in a
15 county having a population of more than twenty-five thousand
16 but not more than fifty thousand.

17 (c) (iii) ~~Six~~ Nine hundred thousand dollars in a county
18 having a population of more than fifty thousand but not more
19 than one hundred thousand.

20 (d) (iv) ~~Eight~~ One million two hundred thousand dollars in
21 a county having a population of more than one hundred thousand
22 but not more than two hundred thousand.

23 (e) (v) One million five hundred thousand dollars in a
24 county having a population of more than two hundred thousand.

25 (b) If the board determines that at least fifty percent of
26 the real property that is the subject of the loan agreement is
27 to be used or occupied by the judicial branch as referenced
28 in section 602.1102, the board may follow the authorization
29 procedures of section 331.443 even if the principal amount of
30 the loan agreement exceeds the limitations in subparagraph
31 division (a).

32 Sec. 3. Section 331.441, subsection 2, paragraph b,
33 subparagraph (5), Code 2011, is amended to read as follows:

34 (5) (a) Public buildings, including the site or grounds of,
35 and the erection, equipment, remodeling, or reconstruction of,

1 and additions or extensions to the buildings, and including the
2 provision and maintenance of juvenile detention or shelter care
3 facilities, when the cost does not exceed the following limits:

4 ~~(a)~~ (i) Six hundred thousand dollars in a county having a
5 population of twenty-five thousand or less.

6 ~~(b)~~ (ii) Seven hundred fifty thousand dollars in a county
7 having a population of more than twenty-five thousand but not
8 more than fifty thousand.

9 ~~(c)~~ (iii) Nine hundred thousand dollars in a county having
10 a population of more than fifty thousand but not more than one
11 hundred thousand.

12 ~~(d)~~ (iv) One million two hundred thousand dollars in a
13 county having a population of more than one hundred thousand
14 but not more than two hundred thousand.

15 ~~(e)~~ (v) One million five hundred thousand dollars in a
16 county having a population of more than two hundred thousand.

17 (b) If the board determines that at least fifty percent of
18 the public building will be used or occupied by the judicial
19 branch as referenced in section 602.1102, the board may follow
20 the authorization procedures of section 331.443 even if the
21 costs exceed the limitations in subparagraph division (a).

22 EXPLANATION

23 This bill relates to acquisition of property by a county and
24 county building projects involving the judicial branch.

25 The bill provides that if the project involves a real
26 property lease agreement, lease-purchase agreement, or loan
27 agreement, and at least 50 percent of the real property is
28 to be used or occupied by the judicial branch, the county,
29 when entering into the agreement, is authorized to follow the
30 procedures for issuance of essential county purpose bonds.

31 The bill also amends the definition of "essential county
32 purpose", relating to issuance of bonds for public buildings,
33 to provide that the dollar limitation on the cost of the
34 project does not apply if at least 50 percent of the public
35 building will be used or occupied by the judicial branch.

1 Generally, an essential county purpose does not require
2 approval of the voters.

3 The bill increases the threshold amounts that determine
4 whether a project can be undertaken using the procedures for
5 essential county purpose bonds when the project involves a
6 lease, lease-purchase, or loan agreement. The bill increases
7 the threshold amounts in the following manner: For counties
8 with a population of 25,000 or less, the threshold amount
9 is increased from \$400,000 to \$600,000; for counties with
10 a population of more than 25,000 but not more than 50,000,
11 the threshold amount is increased from \$500,000 to \$750,000;
12 for counties with a population of more than 50,000 but not
13 more than 100,000, the threshold amount is increased from
14 \$600,000 to \$900,000; for counties with a population of more
15 than 100,000 but not more than 200,000, the threshold amount
16 is increased from \$800,000 to \$1.2 million; and for counties
17 with a population of more than 200,000, the threshold amount is
18 increased from \$1 million to \$1.5 million.