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STATE GOVERNMENT

HOUSE FILE 2442
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and WHITAKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for a public hearing procedure prior to the
2 selection of a location for services accessed by the public,
3 and containing an applicability provision.

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

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HF 2442

1 Section 1. Section 8A.321, subsection 7, Code Supplement
2 2005, is amended to read as follows:

3 7. a. Unless otherwise provided by law, coordinate the
4 location, design, plans and specifications, construction, and
5 ultimate use of the real or personal property to be purchased
6 by a state agency for whose benefit and use the property is
7 being obtained. If the purchase of real or personal property
8 is to be financed pursuant to section 12.28, the department
9 shall cooperate with the treasurer of state in providing the
10 information necessary to complete the financing of the
11 property.

12 A contract for acquisition, construction, erection,
13 demolition, alteration, or repair by a private person of real
14 or personal property to be lease-purchased by the treasurer of
15 state pursuant to section 12.28 is exempt from section 8A.311,
16 subsections 1 and 10, unless the lease-purchase contract is
17 funded in advance by a deposit of the lessor's moneys to be
18 administered by the treasurer of state under a lease-purchase
19 contract which requires rent payments to commence upon
20 delivery of the lessor's moneys to the lessee.

21 b. Prior to entering into a contract for the acquisition
22 of real property intended to be used for the construction or
23 location of a facility at which services shall be offered or
24 provided by a state agency primarily for public use and
25 access, the director shall conduct a public hearing on the
26 question of location selection. The director shall coordinate
27 with the director of the department for the blind, the
28 director of transportation, and the executive secretary of the
29 state board of regents if and to the extent that a proposed
30 acquisition of real property involves public use relating to a
31 function or service falling within the scope of chapters 216B,
32 307, and 262, respectively. The state agency shall cause a
33 notice of the public hearing to be published once in a
34 newspaper of general circulation in the county or city where
35 the location has been proposed. The notice shall be published

1 at least four but no more than twenty days before the public
2 hearing is held. The published notice shall, at a minimum,
3 include the following information:

4 (1) The general nature of the proposed project and
5 rationale for the selection of the proposed location for the
6 project.

7 (2) The process proposed to be followed in making the
8 final selection of the site location and funding the final
9 site-specific design.

10 (3) The time and place of the public hearing at which an
11 opportunity is provided for public input into the location
12 decision.

13 (4) The name, address, telephone number, and electronic
14 mail address, if applicable, of the contact person regarding
15 the location decision.

16 c. If the director or directors determine that input
17 received during the public hearing demonstrates that a
18 significant degree of public opposition or concern appears to
19 exist regarding the location decision, the director or
20 directors shall delay the execution of a contract by the state
21 agency pending departmental review and subsequent referral to
22 the executive council for a recommendation relating to the
23 decision.

24 d. The public hearing requirements of paragraph "b" shall
25 not apply during the existence of an emergency requiring
26 construction or location in situations where failure to
27 immediately construct or locate would result in immediate
28 danger to public health, safety, or welfare.

29 Sec. 2. APPLICABILITY. This Act is applicable to the
30 acquisition of real property intended to be used for the
31 construction or location of a facility at which services shall
32 be offered or provided primarily for public use by state
33 agencies entering into contracts under the purview of the
34 department of administrative services, and the department for
35 the blind, the state department of transportation, the state

1 board of regents, and any other acquisition relating to public
2 use facilities made by or on behalf of the state.

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EXPLANATION

4 This bill provides that prior to entering into a contract
5 for the acquisition of real property for the construction or
6 location of a facility used by a state agency to provide
7 services primarily used by or accessed by the public, the
8 director of the department of administrative services shall
9 conduct a public hearing on the question of location
10 selection. The bill provides that the director shall
11 coordinate with the director of the department for the blind,
12 the director of transportation, and the executive secretary of
13 the state board of regents if a proposed acquisition relates
14 to a function or service falling within the scope of Code
15 chapter 216B, 307, or 262. The bill provides that a state
16 agency shall be required to publish notice of the public
17 hearing, including information relating to the general nature
18 of the proposed project and rationale for the selection of the
19 proposed location, the process proposed to be followed in
20 making the final selection of the location and funding the
21 site-specific design, and the name, address, telephone number,
22 and e-mail address, if applicable, of the contact person
23 regarding the location decision.

24 The bill specifies that if the director determines that
25 input received during the public hearing demonstrates that a
26 significant degree of public opposition or concern appears to
27 exist regarding the location decision, the director shall
28 delay the execution of a contract by the state agency pending
29 departmental review and subsequent referral to the executive
30 council for recommendation relating to the decision.

31 The public hearing requirements of the bill do not apply
32 during the existence of an emergency requiring construction or
33 location in situations where failure to immediately construct
34 or locate would result in immediate danger to public health,
35 safety, or welfare.

1 The bill contains an applicability provision stating that
2 it applies to the acquisition of real property intended to be
3 used for the construction or location of a facility at which
4 services shall be offered or provided primarily for public use
5 by state agencies entering into contracts under the purview of
6 the department of administrative services, and the department
7 for the blind, the state department of transportation, the
8 state board of regents, and any other acquisition relating to
9 public use facilities made by or on behalf of the state.

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