

JAN 12 1971

STATE GOVERNMENT, Pass 1/20  
" " 3/10, Pass 3/30

HOUSE FILE 37

By ANDERSEN

Passed House, Date 3-8-71 Passed Senate, Date 4-27-71  
Vote: Ayes 68 Nays 16 Vote: Ayes 46 Nays 1  
Approved 5-7-71

## A BILL FOR

1 An Act authorizing a public agency to dispose of an interest in  
2 property.

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

4 Section 1. Chapter twenty-eight E (28E), Code 1971, is  
5 amended by adding the following new section:

6 "A public agency may sell, lease, give, or grant any inter-  
7 est in real or personal property to any other public agency  
8 upon any terms, prices, or conditions. Before taking action,  
9 the governing body shall adopt an ordinance, resolution, or  
10 other appropriate measure approving the action and finding that  
11 the action is in the best interest of the public agency."

### EXPLANATION

12  
13 This bill authorizes any public agency, as defined in chap-  
14 ter 28E of the Code, to dispose of an interest in property to  
15 any other public agency.  
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1 Amend House File 37, as follows:  
2 Strike all of lines 6 through 11 and insert the following:  
3 "A local unit of government may sell, lease, give or  
4 grant any interest in real property to any other local unit  
5 of government provided that the real property is within the  
6 jurisdiction of the grantor and grantee."

State Government  
Filed - *Withdrawn 2/8*  
January 25, 1971

By ANDERSEN of Woodbury  
District 23

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1 Amend House File 37 as follows:  
2 Strike all of lines six (6) through eleven (11) and insert:  
3 "The counties, municipal corporations, school districts,  
4 school merged areas or townships may sell, lease, exchange,  
5 or grant and accept any interest in real property to, with <sup>give</sup>  
6 from any other of the aforesaid units of government provided <sup>or</sup>  
7 that the real property is within the jurisdiction of the  
8 grantor and grantee."  
9 Amend the title to House File 37 to read as follows:  
10 "An Act authorizing local political subdivisions of  
11 to dispose of and accept interests in real property." <sup>government</sup>

Filed - *Withdrawn 3/8*  
January 28, 1971

BY Andersen of Woodbury  
District 23

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1 Amend the Andersen amendment filed February 18th  
2 to House File 37 by striking from line two (2)  
3 the word and figure "six (6)" and inserting in lieu  
4 thereof the word and figure "four (4)".

Filed - *Adopted 3/8*  
March 3, 1971

By ANDERSEN of Woodbury  
District 23

HOUSE FILE 37

1 Amend House File 37 as follows:

2 Strike all of lines six (6) through eleven (11) and  
3 insert:

4 Section two hundred seventy-eight point one  
5 (278.1), subsection two (2), Code 1971, is amended as  
6 follows:

7 2. Direct the sale, lease, or other disposition of  
8 any schoolhouse or site or other property belonging to  
9 the corporation, and the application to be made of the  
10 proceeds thereof, provided, however, that nothing  
11 herein shall be construed to prevent the sale, or  
12 ~~lease~~, lease, exchange, gift, or grant and acceptance  
13 of any interest in ~~of~~ real or other property by the  
14 board of directors without an election to the extent  
15 authorized in section 297.22.

16 Sec. 2. Section two hundred ninety-seven point  
17 twenty-two (297.22), Code 1971, is amended by adding  
18 the following new paragraph:

19 The board of directors of any school corporation  
20 may sell, lease, exchange, give or grant and accept  
21 any interest in real property to, with or from any  
22 county, municipal corporation, school district or  
23 township if the real property is within the jurisdic-  
24 tion of both the grantor and grantee. The provisions  
25 of sections 297.15 to 297.20, inclusive, sections  
26 297.23 and 297.24 and the property value limitations  
27 and appraisal requirements of this section shall not  
28 apply to any such transaction between the aforesaid  
29 local units of government.

30 Sec. 3. Section three hundred thirty-two point three  
31 (332.3), subsection seventeen (17), Code 1971, is  
32 amended as follows:

33 ~~To lease or sell real estate owned by the county~~  
34 ~~and not needed for county purposes.~~ To sell, lease,  
35 exchange, give or grant and accept any interest in  
36 real property to, with or from any township, municipal  
37 corporation or school district if the real property is  
38 within the jurisdiction of both the grantor and  
39 grantee. State agencies and the county board of  
40 supervisors having jurisdiction and control over state  
41 and county owned land and buildings, which land and  
42 buildings may be affected by a federal water resources  
43 project, may grant, sell, exchange or convey to the  
44 United States of America the perpetual right, privilege  
45 and easement to overflow, flood and submerge such lands  
46 and buildings.

47 Sec. 4. Section three hundred sixty point nine  
48 (360.9), Code 1971, is amended by adding the following

House 10  
Feb. 19, 1971

49 new paragraph:

50 Subject to the right of reversion to the present  
51 owner as above provided, the township trustees may  
52 sell, lease, exchange, give or grant and accept any  
53 interest in real property to, with or from any county,  
54 municipal corporation or school district if the real  
55 property is within the jurisdiction of both the grantor  
56 and grantee and the advertising and public auction  
57 requirements of this section shall not apply to any  
58 such transaction between the aforesaid local units of  
59 government.

60 Sec. 5. Section three hundred sixty-eight point  
61 thirty-nine (368.39), Code 1971, is amended as follows:

62 They shall have power to dispose of the title or  
63 interest of such corporation in any real estate, or  
64 any lien thereon, or sheriff's certificate therefor,  
65 owned or held by it, including any street or portion  
66 thereof vacated or discontinued, however acquired or  
67 held, in such manner and upon such terms as the  
68 council shall direct. In addition, any city or town  
69 may donate real estate to the state for public pur-  
70 poses. Any city or town may sell, lease, exchange,  
71 give or grant and accept any interest in real estate,  
72 to, with or from any county, township or school  
73 district if the real property is within the jurisdic-  
74 tion of both the grantor and grantee. However, where  
75 exercise of said power deprives or restricts the abut-  
76 ting property owners from free access to their property,  
77 so as to decrease the value thereof, the corporation  
78 shall be liable in damages therefor. Notice of any  
79 proposal to dispose of real property under the provi-  
80 sions of this section shall be given by publication,  
81 once each week for two consecutive weeks in the manner  
82 provided by section 618.14. The last of said publica-  
83 tions shall appear not less than ten days before the  
84 meeting of the council at which said proposal is to  
85 be acted on.

Filed - *Adopted as amended 3/8*  
February 18, 1971

By ANDERSEN of Woodbury  
District 23

HOUSE FILE 37

1 Amend House File 37 by adding the following new sections:

2 Sec. 2. Section two hundred ninety-seven point twenty-

3 (297.22), Code 1971, is amended by adding the following new  
4 paragraph:

5 "The board of directors of any school corporation may,  
6 subject to sections two hundred ninety-seven point twenty-

7 (297.23) and two hundred ninety-seven point twenty-four  
8 of the Code, sell, lease, or dispose of real estate upon

9 structure has been erected by students as part of a regular  
10 of study. The board may also, subject to sections two

11 ninety-seven point twenty-three (297.23) and two hundred  
12 seven point twenty-four (297.24) of the Code, sell or

13 other property exceeding the limits specified in this  
14 which has been constructed or reconstructed by students as a

15 part of a regular course of study."

16 Sec. 3. Any sales of property described by section two

17 of this Act, made prior to the effective date of this Act,

18 were made in the manner authorized by section two (2) of  
19 shall be deemed to have been made in compliance with the

20 sions of this Act and to this extent the provisions of this  
21 are retroactive.

22 Sec. 4. This Act, being deemed of immediate importance,  
23 shall take effect and be in force from and after its

24 in the Telegraph-Herald, a newspaper published in Dubuque,  
25 and in The Cascade Pioneer-Advertiser, a newspaper published

in

page 2

1 Cascade, Iowa.

In State Government

Filed - *withdrawn 3/8*

January 25, 1971

By BLOUIN of Dubuque  
District 49