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FILED JAN 18 1979

SENATE FILE 87

By MILLER of Des Moines

Passed Senate, Date 2-5-80 (p 306) Passed House, Date 4/2/80 (p 1384)

Vote: Ayes 47 Nays 0 Vote: Ayes 87 Nays 1

Approved April 14, 1980

A BILL FOR

1 An Act relating to the granting of utility easements by the
2 department of social services.

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

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1 Section 1. Section two hundred eighteen point ninety-four
2 (218.94), Code 1979, is amended to read as follows:

3 218.94 COMMISSIONER MAY BUY AND SELL REAL ESTATE--OPTIONS.

4 The commissioner of the department of social services shall
5 have full power, subject to the approval of the executive
6 council to secure options to purchase real estate and, to
7 acquire and sell real estate, and to grant utility easements,
8 for the proper uses of said institutions. Real estate shall
9 be acquired and sold and utility easements granted, upon such
10 terms and conditions as the commissioner may recommend subject
11 to the approval of the executive council. Upon sale of such
12 real estate, the proceeds thereof shall be deposited with
13 the treasurer of state and credited to the general fund of
14 the state. There is hereby appropriated from the general
15 fund of the state a sum equal to the proceeds so deposited
16 and credited to the general fund of the state to the department
17 of social services, which with the prior approval of the
18 executive council may be used to purchase other real estate
19 or for capital improvements upon property under such
20 commissioner's control.

21 The costs incident to securing of options, acquisition
22 and sale of real estate and granting of utility easements,
23 including, but not limited to, appraisals, invitations for
24 offers, abstracts, and other necessary costs, may be paid
25 from moneys appropriated for support and maintenance to the
26 institution at which such real estate is located. Such fund
27 shall be reimbursed from the proceeds of the sale.

28 Sec. 2. This Act is effective January first following
29 its enactment.

30 EXPLANATION

31 This bill clarifies that utility easements can be granted
32 by the department of social services for the department's
33 institutions, subject to the approval of the commissioner
34 and the executive council.

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SENATE FILE 87

AN ACT
RELATING TO THE GRANTING OF UTILITY EASEMENTS BY THE
DEPARTMENT OF SOCIAL SERVICES.

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

Section 1. Section two hundred eighteen point ninety-four (218.94), Code 1979, is amended to read as follows:

218.94 COMMISSIONER MAY BUY AND SELL REAL ESTATE--OPTIONS.
The commissioner of the department of social services shall have full power, subject to the approval of the executive council to secure options to purchase real estate and, to acquire and sell real estate, and to grant utility easements, for the proper uses of said institutions. Real estate shall be acquired and sold and utility easements granted, upon such terms and conditions as the commissioner may recommend subject to the approval of the executive council. Upon sale of such real estate, the proceeds thereof shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the department of social services, which with the prior approval of the executive council may be used to purchase other real estate or for capital improvements upon property under such commissioner's control.

The costs incident to securing of options, acquisition and sale of real estate and granting of utility easements, including, but not limited to, appraisals, invitations for offers, abstracts, and other necessary costs, may be paid from moneys appropriated for support and maintenance to the institution at which such real estate is located. Such fund shall be reimbursed from the proceeds of the sale.

Sec. 2. This Act is effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 87, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved April 14, 1980

ROBERT D. RAY
Governor