

*Sen. Education 3/22 Amended per 53864
to Pass 3/25 (p. 914)*

HOUSE FILE 2411

Education
Anderson, Chair
Taylor
Carney

MAR 3 1982

Place On Calendar

HOUSE FILE 2411

BY COMMITTEE ON EDUCATION

(Formerly Study Bill 610)

Passed House, Date 3-9-82 (p. 720) Passed Senate, Date 4-5-82 (p. 1033)

Vote: Ayes 94 Nays 2 Vote: Ayes 41 Nays 0

Approved May 7, 1982

*Repassed House as amended by Senate
4-13-82 (p. 1440)*

96-0

A BILL FOR

1 An Act eliminating the requirement that every merged area
2 lease agreement be approved by the state board of public
3 instruction, and requiring approval for only agreements
4 that extend for more than ten years or agreements that
5 are for over twenty-five thousand dollars per year.

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

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2411

1 Section 1. Section 280A.38, Code 1981, is amended to read
2 as follows:

3 280A.38 LEASE AGREEMENTS FOR SPACE. The board of directors
4 ~~may, with the approval of the state board,~~ enter into lease
5 agreements, with or without purchase options, not to exceed
6 twenty years in duration, for the leasing or rental of
7 buildings for use basically as classrooms, laboratories,
8 shops, libraries and study halls for vocational school or
9 community college purposes, and pay for the same with funds
10 acquired pursuant to section 280A.17, section 280A.18, and
11 section 280A.22. However, lease agreements extending for
12 more than ten years or for more than twenty-five thousand
13 dollars per year shall be submitted to the state board for
14 approval.

15 ~~Such~~ The agreements may include the leasing of existing
16 buildings on public or private property, buildings to be
17 constructed upon real estate owned by the area school, or
18 buildings to be placed upon real estate owned by the area
19 school.

20 Before entering into a lease agreement with a purchase
21 option for a building to be constructed, or placed, upon real
22 estate owned by the area school, the board shall first adopt
23 plans and specifications for the proposed building which it
24 considers suitable for the intended use, and the board shall
25 also adopt the proposed terms of the lease agreement and
26 purchase option. ~~Upon obtaining the approval of the state~~
27 ~~board, the~~ The board shall invite bids thereon, by
28 advertisement published once each week for two consecutive
29 weeks in the county where the building is to be located.
30 ~~Such~~ The lease agreement shall be awarded to the lowest
31 responsible bidder, or the board may reject all bids and
32 readvertise for new bids.

33 EXPLANATION

34 This bill strikes the requirement that every lease agreement
35 be approved by the state board of public instruction, and

1 requires approval for agreements that extend for more than
2 ten years or agreements that are for over \$25,000 per year.
3 This bill is effective July 1 following its enactment.

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HOUSE FILE 2411

S-5331

1 Amend House File 2411, as passed by the House -
2 as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing:

5 "Section 1. Section 273.3, subsection 7, Code
6 1981, is amended to read as follows:

7 7. Be authorized to lease, subject to the approval
8 of the state board of public instruction, ~~to lease,~~
9 and to receive by gift and operate and maintain such
10 facilities and buildings as deemed necessary to provide
11 authorized programs and services. However, a lease
12 for less than ten years and with an annual cost of
13 less than twenty-five thousand dollars does not require
14 the approval of the state board. If a lease requires
15 approval, the state board shall not approve the leasing
16 ~~or renting of facilities or buildings~~ lease until
17 the state board is satisfied by investigation that
18 ~~no~~ public school corporations within the area do not
19 have suitable facilities available."

20 2. Amend the title, line 1, by inserting after
21 the word "area" the words "and area education agency
22 lease or".

S-5331 FILED

BY TED ANDERSON

MARCH 22, 1982

W/A 4/5 (p. 1033)

HOUSE FILE 2411

S-5386

1 Amend House File 2411 as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section 280A.38, Code 1981, is amended
6 to read as follows:
7 280A.38 LEASE AGREEMENTS FOR SPACE. The board
8 of directors may, with the approval of the state
9 board, enter into lease agreements, with or without
10 purchase options, not to exceed twenty years in
11 duration, for the leasing or rental of buildings for
12 use basically as classrooms, laboratories, shops,
13 libraries and study halls for vocational school or
14 community college purposes, and pay for the same with
15 funds acquired pursuant to section 280A.17, section
16 280A.18, and section 280A.22. However, lease
17 agreements extending for less than ten years and for
18 less than twenty-five thousand dollars per year need
19 not be submitted to the state board for approval.
20 ~~Such~~ The agreements may include the leasing of
21 existing buildings on public or private property,
22 buildings to be constructed upon real estate owned
23 by the area school, or buildings to be placed upon
24 real estate owned by the area school.
25 Before entering into a lease agreement with a
26 purchase option for a building to be constructed,
27 or placed, upon real estate owned by the area school,
28 the board shall first adopt plans and specifications
29 for the proposed building which it considers suitable
30 for the intended use, and the board shall also adopt
31 the proposed terms of the lease agreement and purchase
32 option. Upon obtaining the approval of the state
33 board, if state board approval is required, the board
34 shall invite bids thereon, by advertisement published
35 once each week for two consecutive weeks in the county
36 where the building is to be located. ~~Such~~ The lease
37 agreement shall be awarded to the lowest responsible
38 bidder, or the board may reject all bids and
39 readvertise for new bids."

S-5386 FILED
MARCH 25, 1982
Adopted 4/5 (p. 1033)

BY COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, CHAIR

SENATE AMENDMENT TO HOUSE FILE 2411

H-5740

1 Amend House File 2411 as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 280A.38, Code 1981, is amended
6 to read as follows:

7 280A.38 LEASE AGREEMENTS FOR SPACE. The board
8 of directors may, with the approval of the state
9 board, enter into lease agreements, with or without
10 purchase options, not to exceed twenty years in
11 duration, for the leasing or rental of buildings for
12 use basically as classrooms, laboratories, shops,
13 libraries and study halls for vocational school or
14 community college purposes, and pay for the same with
15 funds acquired pursuant to section 280A.17, section
16 280A.18, and section 280A.22. However, lease
17 agreements extending for less than ten years and for
18 less than twenty-five thousand dollars per year need
19 not be submitted to the state board for approval.

20 ~~Such~~ The agreements may include the leasing of
21 existing buildings on public or private property,
22 buildings to be constructed upon real estate owned
23 by the area school, or buildings to be placed upon
24 real estate owned by the area school.

25 Before entering into a lease agreement with a
26 purchase option for a building to be constructed,
27 or placed, upon real estate owned by the area school,
28 the board shall first adopt plans and specifications
29 for the proposed building which it considers suitable
30 for the intended use, and the board shall also adopt
31 the proposed terms of the lease agreement and purchase
32 option. Upon obtaining the approval of the state
33 board, if state board approval is required, the board
34 shall invite bids thereon, by advertisement published
35 once each week for two consecutive weeks in the county
36 where the building is to be located. ~~Such~~ The lease
37 agreement shall be awarded to the lowest responsible
38 bidder, or the board may reject all bids and
39 readvertise for new bids."

H-5740 FILED APRIL 7, 1982

RECEIVED FROM THE SENATE

House concurred 4/13 (p. 1439)

HOUSE FILE 2411

AN ACT

ELIMINATING THE REQUIREMENT THAT EVERY MERGED AREA LEASE AGREEMENT BE APPROVED BY THE STATE BOARD OF PUBLIC INSTRUCTION, AND REQUIRING APPROVAL FOR ONLY AGREEMENTS THAT EXTEND FOR MORE THAN TEN YEARS OR AGREEMENTS THAT ARE FOR OVER TWENTY-FIVE THOUSAND DOLLARS PER YEAR.

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

Section 1. Section 280A.38, Code 1981, is amended to read as follows:

280A.38 LEASE AGREEMENTS FOR SPACE. The board of directors may, with the approval of the state board, enter into lease agreements, with or without purchase options, not to exceed twenty years in duration, for the leasing or rental of buildings for use basically as classrooms, laboratories, shops, libraries and study halls for vocational school or community college purposes, and pay for the same with funds acquired pursuant to section 280A.17, section 280A.18, and section 280A.22. However, lease agreements extending for less than ten years and for less than twenty-five thousand dollars per year need not be submitted to the state board for approval.

~~Such~~ The agreements may include the leasing of existing buildings on public or private property, buildings to be constructed upon real estate owned by the area school, or buildings to be placed upon real estate owned by the area school.

Before entering into a lease agreement with a purchase option for a building to be constructed, or placed, upon real estate owned by the area school, the board shall first adopt plans and specifications for the proposed building which it considers suitable for the intended use, and the board shall also adopt the proposed terms of the lease agreement and

purchase option. Upon obtaining the approval of the state board, if state board approval is required, the board shall invite bids thereon, by advertisement published once each week for two consecutive weeks in the county where the building is to be located. ~~Such~~ The lease agreement shall be awarded to the lowest responsible bidder, or the board may reject all bids and readvertise for new bids.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2411, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved May 7, 1982

ROBERT D. RAY
Governor