

SENATE FILE 2046

*1/14/82  
No Pass 1/22 (p. 253)*

State Government  
Hutchins, Chairperson  
Schwengels  
Tieden

SENATE FILE 2046

BY VAN GILST

*1. State Gov. 2/10  
No Pass 2/11  
(p. 444)*

**FILE JAN 13 1982**

Passed Senate, Date 2-8-82 (p. 324) Passed House, Date 3-29-82 (p. 1072)

Vote: Ayes 47 Nays 0 Vote: Ayes 84 Nays 8

Approved May 14, 1982

*Proposed Senate for House amendment  
4-12-82 (p. 1137)  
49-0*

### A BILL FOR

1 An Act requiring cities, counties, and state agencies to  
2 consider leasing vacant facilities and buildings owned  
3 by public school corporations before leasing, purchasing,  
4 or constructing a facility or building and requiring a  
5 public school corporation to notify certain cities and  
6 counties and the department of general services of  
7 vacant facilities and buildings owned by the public school  
8 corporation.

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

SENATE FILE 2046

H-5563

1 Amend Senate File 2046 as passed by the Senate,  
2 as follows:  
3 1. Page 2, line 7, by striking the words "facility  
4 or".

H-5563 FILED  
MARCH 25, 1982

BY JOHNSON of Linn  
O'KANE of Woodbury

*Adopted 3/29 (p. 1072)*

HOUSE AMENDMENT TO SENATE FILE 2046

S-5418

1 Amend Senate File 2046 as passed by the Senate,  
2 as follows:  
3 1. Page 2, line 7, by striking the words "facility  
4 or".

S-5418 FILED  
MARCH 31, 1982

RECEIVED FROM THE HOUSE  
*Senate concurred 4/12 (p. 1137)*

1 Section 1. Chapter 7A, Code 1981, is amended by adding  
2 the following new section:

3 NEW SECTION. EXECUTIVE ORDER. The governor shall issue  
4 an executive order requiring all state agencies to consider  
5 the leasing of a vacant facility or building which is  
6 appropriately located and which is owned by a public school  
7 corporation before a state agency leases, purchases, or  
8 constructs a facility or building. The state agency may lease  
9 a facility or building owned by a public school corporation  
10 with an option to purchase the facility or building in  
11 compliance with sections 297.22 through 297.24. The lease  
12 shall provide that the public school corporation may terminate  
13 the lease if the corporation needs to use the facility or  
14 building for school purposes. The public school corporation  
15 shall notify the state agency at least thirty days before  
16 the termination of the lease.

17 Sec. 2. Chapter 297, Code 1981, is amended by adding the  
18 following new section:

19 NEW SECTION. VACANCY NOTIFICATION. The board of directors  
20 shall notify the cities located within the school district,  
21 the counties in which the school district may be located,  
22 and the department of general services annually of the fa-  
23 cilities and buildings owned by the public school corporation  
24 which are vacant and available to be leased or purchased.

25 Sec. 3. Section 331.361, Code 1981 Supplement, is amended  
26 by adding the following new subsection:

27 NEW SUBSECTION. The board shall not lease, purchase, or  
28 construct a facility or building before considering the leas-  
29 ing of a vacant facility or building which is located in the  
30 county and owned by a public school corporation. The board  
31 may lease a facility or building owned by the public school  
32 corporation with an option to purchase the facility or build-  
33 ing in compliance with sections 297.22 through 297.24. The  
34 lease shall provide that the public school corporation may  
35 terminate the lease if the corporation needs to use the

1 facility or building for school purposes. The public school  
2 corporation shall notify the board at least thirty days before  
3 the termination of the lease.

4 Sec. 4. Chapter 364, Code 1981, is amended by adding the  
5 following new section:

6 NEW SECTION. LEASING SCHOOL PROPERTY. A city shall not  
7 lease, purchase, or construct a facility or building before  
8 considering the leasing of a vacant facility or building owned  
9 by a local public school corporation. The city may lease  
10 a facility or building owned by a local public school corpora-  
11 tion with an option to purchase the facility or building in  
12 compliance with sections 297.22 through 297.24. The lease  
13 shall provide that the public school corporation may terminate  
14 the lease if the corporation needs to use the facility or  
15 building for school purposes. The public school corporation  
16 shall notify the city at least thirty days before the  
17 termination of the lease.

18 EXPLANATION

19 This bill requires cities, county boards of supervisors,  
20 and state agencies to consider leasing vacant facilities and  
21 buildings owned by public school corporations before leasing,  
22 purchasing, or constructing a facility or building.

23 The bill requires the governor to issue an executive order  
24 requiring state agencies to comply with the leasing considera-  
25 tions.

26 The bill also requires the board of directors of a school  
27 district to notify cities which are located in the school  
28 district, counties in which the school district is located,  
29 and the department of general services of vacant facilities  
30 and buildings owned by the public school corporation and  
31 available to be leased or purchased. The public school  
32 corporation may terminate the lease if the facility or building  
33 is needed for school purposes by notifying the city, county,  
34 or state agency at least thirty days before the termination  
35 of the lease.

36 The bill takes effect July 1 following its enactment.

SENATE FILE 2046

AN ACT

REQUIRING CITIES, COUNTIES, AND STATE AGENCIES TO CONSIDER LEASING VACANT FACILITIES AND BUILDINGS OWNED BY PUBLIC SCHOOL CORPORATIONS BEFORE LEASING, PURCHASING, OR CONSTRUCTING A FACILITY OR BUILDING AND REQUIRING A PUBLIC SCHOOL CORPORATION TO NOTIFY CERTAIN CITIES AND COUNTIES AND THE DEPARTMENT OF GENERAL SERVICES OF VACANT FACILITIES AND BUILDINGS OWNED BY THE PUBLIC SCHOOL CORPORATION.

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

Section 1. Chapter 7A, Code 1981, is amended by adding the following new section:

NEW SECTION. EXECUTIVE ORDER. The governor shall issue an executive order requiring all state agencies to consider the leasing of a vacant facility or building which is appropriately located and which is owned by a public school corporation before a state agency leases, purchases, or constructs a facility or building. The state agency may lease a facility or building owned by a public school corporation with an option to purchase the facility or building in compliance with sections 297.22 through 297.24. The lease shall provide that the public school corporation may terminate the lease if the corporation needs to use the facility or building for school purposes. The public school corporation shall notify the state agency at least thirty days before the termination of the lease.

Sec. 2. Chapter 297, Code 1981, is amended by adding the following new section:

NEW SECTION. VACANCY NOTIFICATION. The board of directors shall notify the cities located within the school district, the counties in which the school district may be located, and the department of general services annually of the facilities and buildings owned by the public school corporation which are vacant and available to be leased or purchased.

Sec. 3. Section 331.361, Code 1981 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. The board shall not lease, purchase, or construct a facility or building before considering the leasing of a vacant facility or building which is located in the county and owned by a public school corporation. The board may lease a facility or building owned by the public school corporation with an option to purchase the facility or building in compliance with sections 297.22 through 297.24. The lease shall provide that the public school corporation may terminate the lease if the corporation needs to use the facility or building for school purposes. The public school corporation shall notify the board at least thirty days before the termination of the lease.

Sec. 4. Chapter 364, Code 1981, is amended by adding the following new section:

NEW SECTION. LEASING SCHOOL PROPERTY. A city shall not lease, purchase, or construct a building before considering the leasing of a vacant facility or building owned by a local public school corporation. The city may lease a facility or building owned by a local public school corporation with an option to purchase the facility or building in compliance with sections 297.22 through 297.24. The lease shall provide that the public school corporation may terminate the lease if the corporation needs to use the facility or building for school purposes. The public school corporation shall notify

the city at least thirty days before the termination of the lease.

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TERRY E. BRANSTAD  
President of the Senate

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DELWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2046, Sixty-ninth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 14, 1982

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ROBERT D. RAY  
Governor