



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 7, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2526, an Act relating to the disposition of school property.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2526

AN ACT

RELATING TO THE DISPOSITION OF SCHOOL PROPERTY.

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

Section 1. Section 278.1, subsection 2, Code 2007, is amended to read as follows:

2. ~~Direct~~ Except when restricted by section 297.25, direct the sale, lease, or other disposition of any schoolhouse or school site or other property belonging to the corporation, and the application to be made of the proceeds thereof, ~~provided, however, that.~~ However, nothing herein in this section shall be construed to prevent the sale independent action by the board of directors of the corporation to sell, lease, exchange, gift, or grant and acceptance, or otherwise dispose of any interest in real or other property by the board of directors without an election of the corporation to the extent authorized in section 297.22. For the purposes of this subsection, "dispose" or "disposition" includes the exchange, transfer, demolition, or destruction of any real or other property of the corporation.

Sec. 2. Section 297.22, subsection 1, Code 2007, is amended to read as follows:

1. a. The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, school site, or other property belonging to the district. If the real property contains less than two acres, is located outside of a city, is not adjacent to a city, and was previously used as a schoolhouse site, the procedure contained in sections 297.15 through 297.20 shall be followed in lieu of this section.

b. Proceeds from the sale or disposition of real property shall be placed in the physical plant and equipment levy fund. Proceeds from the sale or disposition of property other than real property shall be placed in the general fund. Proceeds from the lease of real or other property shall be placed in the general fund.

c. Before the board of directors may sell, lease for a period in excess of one year, or dispose of any property belonging to the school, the board shall hold a public hearing on the proposal. The board shall set forth its proposal in a resolution and shall publish notice of the time and the place of the public hearing on the resolution. The notice shall also describe the property. A locally known address for real property may be substituted for a legal description of real property contained in the resolution. Notice of the time and place of the public hearing shall be published at least once not less than ten days but not more than twenty days prior to the date of the hearing in a newspaper of general circulation in the district. After the public hearing, the board may make a final determination on the proposal contained in the resolution.

d. However, property having a value of not more than five thousand dollars, other than real property, may be disposed of by any procedure which is adopted by the board and each sale shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the district.

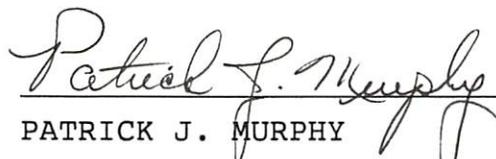
e. For the purposes of this subsection, "dispose" or "disposition" includes the exchange, transfer, demolition, or destruction of any real or personal property of the school district.

Sec. 3. Section 297.25, Code 2007, is amended to read as follows:

297.25 RULE OF CONSTRUCTION.

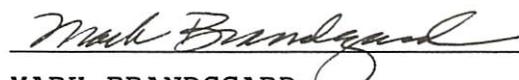
Section 297.22 shall be construed as independent of the power vested in the electors by section 278.1, and as additional to such power. If a board of directors has exercised its independent power under section 297.22 regarding the disposition of real or personal property of the school district and has by resolution approved such action, the

electors may subsequently proceed to exercise their power under section 278.1 for a purpose directly contrary to an action previously approved by the board of directors in accordance with section 297.22. However, the electors shall be limited to twelve calendar months after an action by the board to exercise such power for a purpose directly contrary to the board's action.

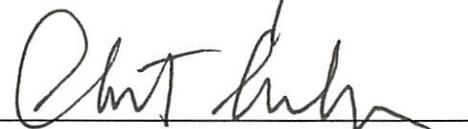

PATRICK J. MURPHY
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2526, Eighty-second General Assembly.


MARK BRANDSGARD
Chief Clerk of the House

Approved May 7th, 2008


CHESTER J. CULVER
Governor