



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

April 17, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**Senate File 81**, an Act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

The above Senate 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





SENATE FILE 81

AN ACT

RELATING TO ASSISTING SCHOOLS TO RECOVER FROM DISASTER BY CHANGING THE APPROVAL METHOD FOR TRANSFERS OF EMERGENCY FUND MONEYS, BY MODIFYING CERTAIN FUNDING PROVISIONS TO RELATE TO DISASTER RECOVERY, AND BY ALLOWING AREA EDUCATION AGENCY BOARDS GREATER AUTHORITY TO PURCHASE AND LEASE-PURCHASE PROPERTY.

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

Section 1. Section 24.6, Code 2009, is amended to read as follows:

24.6 EMERGENCY FUND -- LEVY.

1. A municipality may include in the estimate required, an estimate for an emergency fund. A municipality may assess and levy a tax for the emergency fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed value of taxable property of the municipality, ~~provided that.~~ However, an emergency tax levy shall not be made until the municipality has first petitioned the state board and received its approval.

2. a. Transfers of moneys may be made from the emergency fund to any other fund of the municipality for the purpose of meeting deficiencies in a fund arising from any cause, ~~provided-that.~~ However, a transfer shall not be made except upon the written approval of the state board, and then only when that approval is requested by a two-thirds vote of the governing body of the municipality.

b. Notwithstanding the requirements of paragraph "a", if the municipality is a school corporation, the school corporation may transfer money from the emergency fund to any other fund of the school corporation for the purpose of meeting deficiencies in a fund arising within two years of a disaster as defined in section 29C.2, subsection 1. However, a transfer under this paragraph "b" shall not be made without the written approval of the school budget review committee.

Sec. 2. Section 256.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 61. Grant to public school districts and accredited nonpublic schools waivers from statutory obligations with which the entities cannot reasonably comply within two years after a disaster as defined in section 29C.2, subsection 1.

Sec. 3. Section 256.9, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 62. Report to the general assembly annually by January 1, beginning January 1, 2010, about the necessity of waiving any statutory obligations for school districts, as authorized under section 256.7, due to a disaster as defined in section 29C.2, subsection 1. The department's report shall specify each waiver and the determination for granting each waiver. The department shall provide the report to the speaker of the house and president of the senate and to the chairpersons of the appropriate standing committees of the general assembly.

Sec. 4. Section 257.31, subsection 7, paragraph a, Code 2009, is amended to read as follows:

a. The committee may authorize a district to spend a reasonable and specified amount from its unexpended cash balance for ~~either-of~~ the following purposes:

(1) Furnishing, equipping, and contributing to the construction of a new building or structure for which the voters of the district have approved a bond issue as provided by law or the tax levy provided in section 298.2.

(2) The costs associated with the demolition of an unused school building, or the conversion of an unused school building for community use, in a school district involved in a dissolution or reorganization under chapter 275, if the costs are incurred within three years of the dissolution or reorganization.

(3) The costs associated with the demolition or repair of a building or structure in a school district if such costs are necessitated by, and incurred within two years of, a disaster as defined in section 29C.2, subsection 1.

Sec. 5. Section 273.2, subsection 2, Code 2009, is amended to read as follows:

2. An area education agency established under this chapter is a body politic as a school corporation for the purpose of exercising powers granted under this chapter, and may sue and be sued. An area education agency may hold property and execute purchase agreements within two years of a disaster as defined in section 29C.2, subsection 1, and lease-purchase agreements pursuant to section 273.3, subsection 7, and if the lease lease-purchase agreement exceeds ten years or the purchase price of the property to be acquired pursuant to a purchase or lease-purchase agreement exceeds twenty-five thousand dollars, the area education agency shall conduct a public hearing on the proposed purchase or lease-purchase agreement and receive approval from the area education agency board of directors and the ~~director-of-the-department~~ state board of education or its designee before entering into the agreement.

Sec. 6. Section 273.3, subsection 7, Code 2009, is amended to read as follows:

7. Be authorized to lease, purchase, or lease-purchase, subject to the approval of the ~~director-of-the-department~~ state board of education or its designee and to receive by gift and operate and maintain facilities and buildings necessary to provide authorized programs and services. However, a lease for less than ten years and with an annual

cost of less than twenty-five thousand dollars does not require the approval of the ~~director~~ state board. ~~If a lease requires approval, the director~~ The state board shall not approve the a lease, purchase, or lease-purchase until the ~~director~~ state board is satisfied by investigation that public school corporations within the area do not have suitable facilities available. A purchase of property that is not a lease-purchase may be made only within two years of a disaster as defined in section 29C.2, subsection 1, and subject to the requirements of this subsection.

Sec. 7. NEW SECTION. 273.14 EMERGENCY REPAIRS.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or the adjusted competitive bid threshold established in section 314.1B, subsection 2, are necessary in order to ensure the use of an area education agency facility, the provisions of law with reference to advertising for bids shall not apply within two years of a disaster as defined in section 29C.2, subsection 1, and the area education agency board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to an area education agency facility, the state board of education or its designee must certify that such emergency repairs are necessary to ensure the use of the area education agency facility.

Sec. 8. Section 297.8, Code 2009, is amended to read as follows:

297.8 EMERGENCY REPAIRS.

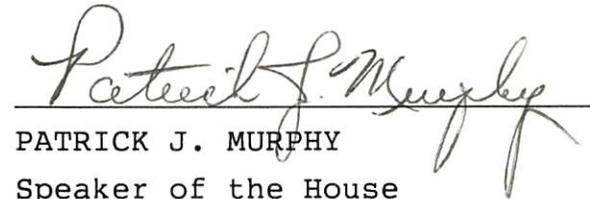
When emergency repairs costing more than the competitive bid threshold in section 26.3, or as established in section 314.1B, are necessary in order to ~~prevent-the-closing~~ ensure the continued use of any school or school facility, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse or school facility, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to ~~prevent-the-closing~~ ensure the continued use of the school or school facility.

Sec. 9. Section 298.3, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Demolition, clean up, and other costs if such costs are necessitated by, and incurred within two years of, a disaster as defined in section 29C.2, subsection 1.



JOHN P. KIBBIE  
President of the Senate



PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 81, Eighty-third General Assembly.



MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 17<sup>th</sup>, 2009



CHESTER J. CULVER  
Governor