

Reprinted 3/77

FEB 15 1977

HOUSE FILE 209

Place On Calendar

By COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 76)

Passed House, Date 3-3-77 (593) Passed Senate, Date _____

Vote: Ayes 82 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

*Motion to reconsider filed 3-3 (608)
"withdrawn 3/7 (635)*

A BILL FOR

1 An Act to amend the statutes relating to school districts by
 2 permitting the school board secretary to designate an alter-
 3 nate person to receive nomination papers relating to school
 4 elections, by reenacting previous amendments to sections
 5 two hundred seventy-nine point three (279.3) of the Code
 6 authorizing the appointment of a secretary of the school
 7 board and a treasurer of the school district, and two hun-
 8 dred ninety-eight point twenty-two (298.22) of the Code,
 9 authorizing the school board secretary to register bonds,
 10 by legalizing all acts of a treasurer of the school dis-
 11 trict appointed in compliance with section two hundred
 12 seventy-nine point three (279.3) of the Code, and by legal-
 13 izing school district bond issues subject to approval by a
 14 vote of the people which may have been registered in com-
 15 pliance with section two hundred ninety-eight point twenty-
 16 two (298.22) of the Code.

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

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H-3082

1 Amend House File 209, page 1, lines 33 and 34,
 2 by striking the words "shall not be a teacher or other
 3 employee of the board" and inserting in lieu thereof
 4 the words "may be another employee of the board".

H-3082 FILED *Withdrawn 3/3/77* BY THOMPSON of Polk
FEBRUARY 24, 1977

209

1 Section 1. Section two hundred seventy-seven point four
2 (277.4), unnumbered paragraph one (1), Code 1977, is amended
3 to read as follows:

4 Nomination papers for all candidates for election to office
5 in each school district shall be filed with the secretary
6 of the school board not more than sixty-five days, nor less
7 than forty days prior to the election. Nomination petitions
8 shall be filed not later than five o'clock p.m. on the last
9 day for filing. If the school board secretary is not readily
10 available during normal office hours, the secretary may
11 designate a full-time employee of the school district who
12 is ordinarily available to accept nomination papers under
13 this section. Each candidate shall be nominated by a petition
14 signed by not less than ten eligible electors of the district.
15 To each such petition shall be attached the affidavit of an
16 eligible elector of the district that all of the signers
17 thereof are electors of such district and that the signatures
18 thereto are genuine. The candidate being nominated by the
19 petition may sign the affidavit only if he or she personally
20 circulated the petition. If the affiant also signed the
21 nomination petition, that signature shall not be counted
22 toward the total required by this section. The petition
23 shall include the affidavit of the candidate being nominated,
24 stating his the candidate's name, his place of residence,
25 that he such person is a candidate and is eligible for the
26 office he the candidate seeks, and that if elected he the
27 candidate will qualify for the office.

28 Sec. 2. Section two hundred seventy-nine point three
29 (279.3), Code 1977, is amended by striking the section and
30 inserting in lieu thereof the following:

31 279.3 APPOINTMENT OF SECRETARY AND TREASURER. At the
32 meeting of the board the first secular day after the seventh
33 day in July the board shall appoint a secretary who shall
34 not be a teacher or other employee of the board. It shall
35 also appoint a treasurer who may be another employee of the

1 board. These officers shall be appointed from outside the
2 membership of the board for terms of one year beginning with
3 the first secular day after the seventh day in July which
4 appointment and qualification shall be entered of record in
5 the minutes of the secretary. They shall qualify within ten
6 days following appointment by taking the oath of office in
7 the manner required by section two hundred seventy-seven point
8 twenty-eight (277.28) of the Code and filing a bond as required
9 by section two hundred ninety-one point two (291.2) of the
10 Code and shall hold office until their successors are appointed
11 and qualified.

12 Sec. 3. Section two hundred ninety-eight point twenty-
13 two (298.22), Code 1977, is amended by striking the section
14 and inserting in lieu thereof the following:

15 298.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All
16 of said bonds shall be substantially in the form provided
17 for county bonds, but subject to changes that will conform
18 them to the action of the board providing therefor; shall
19 run not more than twenty years, and may be sooner paid if
20 so nominated in the bond; bear a rate of interest not exceed-
21 ing seven percent per annum, payable semiannually; be signed
22 by the president and countersigned by the secretary of the
23 board of directors; and shall not be disposed of for less
24 than par value, nor issued for other purposes than this chapter
25 provides.

26 All of said bonds, when issued, shall be delivered to the
27 secretary of the board of directors, who shall register them
28 in a book to be kept for that purpose, and shall deliver them
29 when they have been properly countersigned.

30 The expenses of engraving and printing of bonds may be
31 paid out of the general fund.

32 Sec. 4. The general assembly finds and declares that the
33 Sixty-sixth General Assembly in 1975 intended to amend section
34 two hundred seventy-nine point three (279.3) of the Code to
35 read as it appears in section two (2) of this Act, that the

1 section was so printed in the Code of 1977 and may have been
2 relied upon in good faith by school districts in this state,
3 but that doubts have arisen as to the validity of the 1975
4 action purporting to amend section two hundred seventy-nine
5 point three (279.3) of the Code. All acts taken by a treasurer
6 of a school district appointed on or after July 1, 1974 in
7 reliance upon section two hundred seventy-nine point three
8 (279.3) of the Code as amended by Acts of the Sixty-sixth
9 General Assembly, 1975 Session, chapter eighty-one (81) section
10 one hundred thirty-four (134), are hereby legalized and
11 validated.

12 Sec. 5. The general assembly hereby finds and declares
13 that the Sixty-fifth General Assembly in 1974 intended to
14 amend section two hundred ninety-eight point twenty-two
15 (298.22) of the Code to read as it appears in the preceding
16 section of this Act, that the section was so printed in the
17 Code of 1975 and the Code of 1977 and may have been relied
18 upon in good faith by school districts in this state in
19 handling bond issues approved by their respective electorates,
20 but that doubts have arisen as to the validity of the 1974
21 action purporting to amend section two hundred ninety-eight
22 point twenty-two (298.22) of the Code. All school district
23 bond issues registered with school district treasurers on
24 or after July 1, 1974 in reliance upon section two hundred
25 ninety-eight point twenty-two (298.22) of the Code as amended
26 by Acts of the Sixty-fifth General Assembly, 1974 Session,
27 chapter one thousand one hundred one (1101), section seventy-
28 three (73), are hereby legalized and validated.

29 EXPLANATION

30 This bill makes three specific amendments to the school
31 election laws of Iowa. One authorizes the school board
32 secretary in each district to delegate to another school
33 district employee the function of accepting nomination papers
34 of school board candidates, if the other employee is more
35 readily available at times than the secretary. The other

1 two amendments strike and reenact without substantial change
2 sections 279.3, providing for appointment of the school board
3 secretary and treasurer, and 298.22, providing that school
4 district bonds sold after a favorable vote of the people must
5 be registered by the school board secretary. The school board
6 treasurer was formerly an elective officer, and the function
7 of registering school bonds formerly rested with the county
8 auditor. Doubts have been raised about the adequacy of the
9 titles of the bills which included amendments that placed
10 these sections in their present form. For this reason,
11 legalizing sections are included in the bill to validate any
12 actions by school district treasurers appointed under section
13 279.3, and bond issues that may have been registered by school
14 board secretaries under section 298.22, since they were so
15 amended.

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HOUSE FILE 209

H-3132

1 Amend House File 209 as follows:

2 1. Page 1, by striking lines 31, 32 and 33, and
3 inserting in lieu thereof the following:

4 "279.3 APPOINTMENT OF SECRETARY AND TREASURER.

5 At a regular or special meeting of the board held
6 in July prior to or on July fifteenth the board shall
7 appoint a secretary who shall".

8 2. Page 2, by striking line 3 and inserting in
9 lieu thereof the words "the date of appointment, and
10 the".

11 3. Page 2, by inserting after line 11 the
12 following:

13 "Sec. _____. Section two hundred seventy-nine point
14 thirty-two (279.32), unnumbered paragraph one (1),
15 Code 1977, is amended to read as follows:

16 The board shall fix the compensation to be paid
17 the secretary. No member of the board ~~or-treasurer~~
18 shall receive compensation for official services,
19 ~~except-that-in-consolidated-districts-that-contain~~
20 ~~a-city-having-a-population-less-than-one-thousand,~~
21 ~~the.~~ The board may pay a ~~legally-qualified~~ school
22 treasurer a reasonable compensation.

23 4. Page 3, line 23, by striking the words "district
24 treasurers" and inserting in lieu thereof the words
25 "board secretaries".

26 5. Amend the title, line 1 by striking the word
27 "amend" and inserting in lieu thereof the following:
28 "make technical amendments to".

29 6. Amend the title, line 4 by adding after the
30 word "elections," the following: "by permitting any
31 school board to compensate a school treasurer,".

H-3132 FILED, ADOPTED (592) BY MONROE of Des Moines
MARCH 3, 1977

Law Education 3/11 Do pass 4/14 (p. 1062)

HOUSE FILE 209

3/18

Education
Merritt, Chairperson
DeKoster
Slater

HOUSE FILE 209

By COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House)

Passed House, Date *as amended 4-22-77 (p. 1573)* Passed Senate, Date *sent 4-18-77 (p. 1076)*

Vote: Ayes 80 Nays 4 Vote: Ayes 37 Nays 0

Approved May 13, 1977

*Motion to reconsider 4/19 (1098) prevailed 4/20 (1109)
Repassed Senate 4/20/77 (p. 1110)*

48-6

A BILL FOR

1 An Act to make technical amendments to the statutes relating to
 2 school districts by permitting the school board secretary
 3 to designate an alternate person to receive nomination
 4 papers relating to school elections, by permitting any
 5 school board to compensate a school treasurer, by
 6 reenacting previous amendments to sections two hundred
 7 seventy-nine point three (279.3) of the Code authorizing
 8 the appointment of a secretary of the school board and
 9 a treasurer of the school district, and two hundred
 10 ninety-eight point twenty-two (298.22) of the Code,
 11 authorizing the school board secretary to register bonds,
 12 by legalizing all acts of a treasurer of the school district
 13 appointed in compliance with section two hundred seventy-
 14 nine point three (279.3) of the Code, and by legalizing
 15 school district bond issues subject to approval by a vote
 16 of the people which may have been registered in compliance
 17 with section two hundred ninety-eight point twenty-
 18 two (298.22) of the Code.

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

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1 Section 1. Section two hundred seventy-seven point four
2 (277.4), unnumbered paragraph one (1), Code 1977, is amended
3 to read as follows:

4 Nomination papers for all candidates for election to office
5 in each school district shall be filed with the secretary
6 of the school board not more than sixty-five days, nor less
7 than forty days prior to the election. Nomination petitions
8 shall be filed not later than five o'clock p.m. on the last
9 day for filing. If the school board secretary is not readily
10 available during normal office hours, the secretary may
11 designate a full-time employee of the school district who
12 is ordinarily available to accept nomination papers under
13 this section. Each candidate shall be nominated by a petition
14 signed by not less than ten eligible electors of the district.
15 To each such petition shall be attached the affidavit of an
16 eligible elector of the district that all of the signers
17 thereof are electors of such district and that the signatures
18 thereto are genuine. The candidate being nominated by the
19 petition may sign the affidavit only if he or she personally
20 circulated the petition. If the affiant also signed the
21 nomination petition, that signature shall not be counted
22 toward the total required by this section. The petition shall
23 include the affidavit of the candidate being nominated, stating
24 his the candidate's name, his place of residence, that he
25 such person is a candidate and is eligible for the office
26 he the candidate seeks, and that if elected he the candidate
27 will qualify for the office.

28 Sec. 2. Section two hundred seventy-nine point three
29 (279.3), Code 1977, is amended by striking the section and
30 inserting in lieu thereof the following:

31 279.3 APPOINTMENT OF SECRETARY AND TREASURER. At a regular
32 or special meeting of the board held in July prior to or on
33 July fifteenth the board shall appoint a secretary who shall
34 not be a teacher or other employee of the board. It shall
35 also appoint a treasurer who may be another employee of the

1 board. These officers shall be appointed from outside the
2 membership of the board for terms of one year beginning with
3 the date of appointment, and the appointment and qualification
4 shall be entered of record in the minutes of the secretary.
5 They shall qualify within ten days following appointment by
6 taking the oath of office in the manner required by section
7 two hundred seventy-seven point twenty-eight (277.28) of the
8 Code and filing a bond as required by section two hundred
9 ninety-one point two (291.2) of the Code and shall hold office
10 until their successors are appointed and qualified.

11 Sec. 3. Section two hundred seventy-nine point thirty-
12 two (279.32), unnumbered paragraph one (1), Code 1977, is
13 amended to read as follows:

14 The board shall fix the compensation to be paid the
15 secretary. No member of the board ~~or-treasurer~~ shall receive
16 compensation for official services, ~~except-that-in-consolidated~~
17 ~~districts-that-contain-a-city-having-a-population-less-than~~
18 ~~one-thousand,-the.~~ The board may pay a legally-qualified
19 school treasurer a reasonable compensation.

20 Sec. 4. Section two hundred ninety-eight point twenty-
21 two (298.22), Code 1977, is amended by striking the section
22 and inserting in lieu thereof the following:

23 298.22 ~~FORM--RATE OF INTEREST--WHERE REGISTERED.~~ All
24 of said bonds shall be substantially in the form provided
25 for county bonds, but subject to changes that will conform
26 them to the action of the board providing therefor; shall
27 run not more than twenty years, and may be sooner paid if
28 so nominated in the bond; bear a rate of interest not exceed-
29 ing seven percent per annum, payable semiannually; be signed
30 by the president and countersigned by the secretary of the
31 board of directors; and shall not be disposed of for less
32 than par value, nor issued for other purposes than this chapter
33 provides.

34
35 All of said bonds, when issued, shall be delivered to the
secretary of the board of directors, who shall register them

1 in a book to be kept for that purpose, and shall deliver them
2 when they have been properly countersigned.

3 The expenses of engraving and printing of bonds may be
4 paid out of the general fund.

5 Sec. 5. The general assembly finds and declares that the
6 Sixty-sixth General Assembly in 1975 intended to amend section
7 two hundred seventy-nine point three (279.3) of the Code to
8 read as it appears in section two (2) of this Act, that the
9 section was so printed in the Code of 1977 and may have been
10 relied upon in good faith by school districts in this state,
11 but that doubts have arisen as to the validity of the 1975
12 action purporting to amend section two hundred seventy-nine
13 point three (279.3) of the Code. All acts taken by a treasurer
14 of a school district appointed on or after July 1, 1974 in
15 reliance upon section two hundred seventy-nine point three
16 (279.3) of the Code as amended by Acts of the Sixty-sixth
17 General Assembly, 1975 Session, chapter eighty-one (81) section
18 one hundred thirty-four (134), are hereby legalized and
19 validated.

20 Sec. 6. The general assembly hereby finds and declares
21 that the Sixty-fifth General Assembly in 1974 intended to
22 amend section two hundred ninety-eight point twenty-two
23 (298.22) of the Code to read as it appears in the preceding
24 section of this Act, that the section was so printed in the
25 Code of 1975 and the Code of 1977 and may have been relied
26 upon in good faith by school districts in this state in
27 handling bond issues approved by their respective electorates,
28 but that doubts have arisen as to the validity of the 1974
29 action purporting to amend section two hundred ninety-eight
30 point twenty-two (298.22) of the Code. All school district
31 bond issues registered with school board secretaries on or
32 after July 1, 1974 in reliance upon section two hundred ninety-
33 eight point twenty-two (298.22) of the Code as amended by
34 Acts of the Sixty-fifth General Assembly, 1974 Session, chapter
35 one thousand one hundred one (1101), section seventy-three

1 (73), are hereby legalized and validated.

2 EXPLANATION

3 This bill makes three specific amendments to the school
4 election laws of Iowa. One authorizes the school board
5 secretary in each district to delegate to another school
6 district employee the function of accepting nomination papers
7 of school board candidates, if the other employee is more
8 readily available at times than the secretary. The other
9 two amendments strike and reenact without substantial change
10 sections 279.3, providing for appointment of the school board
11 secretary and treasurer, and 298.22, providing that school
12 district bonds sold after a favorable vote of the people must
13 be registered by the school board secretary. The school board
14 treasurer was formerly an elective officer, and the function
15 of registering school bonds formerly rested with the county
16 auditor. Doubts have been raised about the adequacy of the
17 titles of the bills which included amendments that placed
18 these sections in their present form. For this reason,
19 legalizing sections are included in the bill to validate any
20 actions by school district treasurers appointed under section
21 279.3, and bond issues that may have been registered by school
22 board secretaries under section 298.22, since they were so
23 amended.

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H-3716

- 1 Amend the Senate amendment H-3692 to House File
2 209, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 2 the following
5 amendment:
6 "____. Page 1, by inserting before line 1 the
7 following section:
8 "Section 1. Section two hundred seventy-four point
9 thirteen (274.13), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the
11 following:
12 274.13 ATTACHING TERRITORY TO ADJOINING DISTRICT.
13 Any portion of the landowners in a school district
14 may file a petition with the area education agency
15 administrator to include their land or a portion of
16 their land within the boundaries of an adjacent school
17 district. The area education agency administrator
18 shall transmit the petition to the board of directors
19 of the area education agency for review. If the board
20 approves the transfer, the area education agency
21 administrator, following approval by the board of
22 the affected adjacent district, shall by a written
23 order attach the part thus affected to the adjoining
24 school district. One copy of the order shall be
25 transmitted to the secretary of each school district
26 involved in the transfer who shall record the transfer
27 and make the proper designation on the plat of the
28 district. One copy of the order shall also be
29 transmitted to the department of public instruction."
30 2. Page 1, by inserting after line 15 the following
31 amendment:
32 "____. Page 4, by inserting after line 1 the
33 following section:
34 "Sec. ____ . Section two hundred seventy-four point
35 fourteen (274.14), Code 1977, is repealed."
36 3. Page 1, by inserting after line 15 the following
37 amendment:
38 "____. Amend the title, line 2, by inserting after
39 the word "by" the words "revising the provisions
40 relating to attachment of portions of school districts
41 to adjoining school districts, by".
42 4. By numbering and renumbering sections as
43 necessary.

H-3716 FILED, NOT GERMANE BY SCHROEDER of Pottawattamie
APRIL 22, 1977 (p. 1570)

HOUSE FILE 209

S-3366

- 1 Amend House File 209, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 19 the following
4 section:
5 "Sec. _____. Section two hundred ninety-one point
6 two (291.2), Code 1977, is amended to read as follows:
7 291.2 BONDS OF SECRETARY AND TREASURER. The
8 secretary and treasurer shall give bond to the school
9 corporation in such penalty as the board may require,
10 and with sureties to be approved by it, which bond shall
11 be filed with the president, conditioned for the faith-
12 ful performance of the official duties of office, but in
13 no case less than five hundred dollars. The secretary and
14 treasurer may give bond under a single blanket bond covering
15 other employees of the district."
16 2. Amend the title, line 5, by inserting after the
17 word "by" the words "permitting a single blanket bond for
18 all employees including the secretary and treasurer of a
19 school district, by".
20 3. By numbering and renumbering sections as
21 necessary.

S-3366 FILED - *Adopted 4/20 (1110)* BY WILLARD R. HANSEN
APRIL 19, 1977

1 Amend the Senate amendment H-3692 to House File
2 209, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 2, the following
5 amendment:
6 "____. Page 1, by inserting before line 1 the
7 following section:
8 "Sec. _____. Section two hundred seventy-five point
9 twenty-five (275.25), Code 1977, is amended by striking
10 the section and inserting in lieu thereof the
11 following:
12 275.25 ELECTION OF DIRECTORS. If the proposition
13 to establish a new corporation carries under the
14 method provided, the board of the reorganized district
15 shall consist of the members of the boards of the
16 districts involved in the reorganization who are
17 residents of the reorganized district until the second
18 regular school election held thereafter, except as
19 otherwise provided in this section. Terms of office
20 of such members shall be extended beyond their
21 expiration to the organizational meeting after the
22 second regular school election held thereafter.
23 Vacancies occurring on the board during the period
24 shall be filled by appointment of the remaining
25 members.
26 At the first election at which members will be
27 elected, three members of the board shall remain in
28 office, one for a one-year term, one for a two-year
29 term, and one for a three-year term. The determination
30 of the members to be retained shall be made by lot.
31 At the election, one member shall be elected for a
32 one-year term and one for a two-year term, except
33 in districts which include all or part of a city of
34 fifteen thousand or more population and in districts
35 in which the proposition to establish a new corporation
36 provides for seven directors, two directors shall
37 be elected for a three-year term. Provided, however,
38 that in all community school districts which include
39 a city of fifteen thousand or more population and
40 which became effective prior to July 4, 1955, and
41 in all community school districts containing a city
42 which has attained a population of fifteen thousand
43 or more as shown by the most recent decennial federal
44 census, the board of directors shall consist of seven
45 members. The county board of supervisors shall canvass
46 the votes and the county commissioner of elections
47 report the results to the area education agency
48 administrator who shall notify the persons who are
49 elected directors.
50 The board consisting of members of the former

1 school districts shall organize within fifteen days
2 following the effective date of the reorganization
3 upon call of the administrator. The board of directors
4 shall have complete control of the employment of all
5 personnel for the newly-formed community school
6 district for the ensuing school year. Following the
7 organization of the board, the board shall establish
8 policy, organize curriculum, enter into contracts
9 and complete such other planning and take such action
10 as is essential for the efficient management of the
11 newly-formed community school district."

12 2. Page 1, by inserting after line 15 the following
13 amendment:

14 "_____. Amend the title, line 2, by inserting after
15 the word "by" the words "revising the composition
16 of the board of directors of a reorganized school
17 district, by"."

18 3. By numbering and renumbering sections as
19 necessary.

H-3717 FILED, RULED NOT BY SCHROEDER of Pottawattamie
GERMANE; MOVED TO SUSPEND
RULES TO CONSIDER, LOST (p. 1573)
APRIL 22, 1977

SENATE AMENDMENT TO HOUSE FILE 209

H-3692

1 Amend House File 209, as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 19 the following
4 section:

5 "Sec. _____. Section two hundred ninety-one point
6 two (291.2), Code 1977, is amended to read as follows:

7 291.2 BONDS OF SECRETARY AND TREASURER. The
8 secretary and treasurer shall give bond to the school
9 corporation in such penalty as the board may require,
10 and with sureties to be approved by it, which bond shall
11 be filed with the president, conditioned for the faith-
12 ful performance of his the official duties of office, but in
13 no case less than five hundred dollars. The secretary and
14 treasurer may give bond under a single blanket bond covering
15 other employees of the district."

16 2. Amend the title, line 5, by inserting after the
17 word "by" the words "permitting a single blanket bond for
18 all employees including the secretary and treasurer of a
19 school district, by".

20 3. By numbering and renumbering sections as
21 necessary.

House concurred 4/22 (1573)

H-3692 FILED: RECEIVED FROM SENATE
APRIL 20, 1977

HOUSE FILE 209

AN ACT

TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES RELATING TO SCHOOL DISTRICTS BY PERMITTING A SINGLE BLANKET BOND FOR ALL EMPLOYEES INCLUDING THE SECRETARY AND TREASURER OF A SCHOOL DISTRICT, BY PERMITTING THE SCHOOL BOARD SECRETARY TO DESIGNATE AN ALTERNATE PERSON TO RECEIVE NOMINATION PAPERS RELATING TO SCHOOL ELECTIONS, BY PERMITTING ANY SCHOOL BOARD TO COMPENSATE A SCHOOL TREASURER, BY REENACTING PREVIOUS AMENDMENTS TO SECTIONS TWO HUNDRED SEVENTY-NINE POINT THREE (279.3) OF THE CODE AUTHORIZING THE APPOINTMENT OF A SECRETARY OF THE SCHOOL BOARD AND A TREASURER OF THE SCHOOL DISTRICT, AND TWO HUNDRED NINETY-EIGHT POINT TWENTY-TWO (298.22) OF THE CODE, AUTHORIZING THE SCHOOL BOARD SECRETARY TO REGISTER BONDS, BY LEGALIZING ALL ACTS OF A TREASURER OF THE SCHOOL DISTRICT APPOINTED IN COMPLIANCE WITH SECTION TWO HUNDRED SEVENTY-NINE POINT THREE (279.3) OF THE CODE, AND BY LEGALIZING SCHOOL DISTRICT BOND ISSUES SUBJECT TO APPROVAL BY A VOTE OF THE PEOPLE WHICH MAY HAVE BEEN REGISTERED IN COMPLIANCE WITH SECTION TWO HUNDRED NINETY-EIGHT POINT TWENTY-TWO (298.22) OF THE CODE.

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

Section 1. Section two hundred seventy-seven point four (277.4), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Nomination papers for all candidates for election to office in each school district shall be filed with the secretary of the school board not more than sixty-five days, nor less than forty days prior to the election. Nomination petitions shall be filed not later than five o'clock p.m. on the last day for filing. If the school board secretary is not readily available during normal office hours, the secretary may designate a full-time employee of the school district who

is ordinarily available to accept nomination papers under this section. Each candidate shall be nominated by a petition signed by not less than ten eligible electors of the district. To each such petition shall be attached the affidavit of an eligible elector of the district that all of the signers thereof are electors of such district and that the signatures thereto are genuine. The candidate being nominated by the petition may sign the affidavit only if he or she personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section. The petition shall include the affidavit of the candidate being nominated, stating his the candidate's name, his place of residence, that he such person is a candidate and is eligible for the office he the candidate seeks, and that if elected he the candidate will qualify for the office.

Sec. 2. Section two hundred seventy-nine point three (279.3), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

279.3 APPOINTMENT OF SECRETARY AND TREASURER. At a regular or special meeting of the board held in July prior to or on July fifteenth the board shall appoint a secretary who shall not be a teacher or other employee of the board. It shall also appoint a treasurer who may be another employee of the board. These officers shall be appointed from outside the membership of the board for terms of one year beginning with the date of appointment, and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following appointment by taking the oath of office in the manner required by section two hundred seventy-seven point twenty-eight (277.28) of the Code and filing a bond as required by section two hundred

ninety-one point two (291.2) of the Code and shall hold office until their successors are appointed and qualified.

Sec. 3. Section two hundred seventy-nine point thirty-two (279.32), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The board shall fix the compensation to be paid the secretary. No member of the board ~~or treasurer~~ shall receive compensation for official services, ~~except that in consolidated districts that contain a city having a population less than one thousand, the~~. The board may pay a ~~legally-qualified~~ school treasurer a reasonable compensation.

Sec. 4. Section two hundred ninety-one point two (291.2), Code 1977, is amended to read as follows:

291.2 BONDS OF SECRETARY AND TREASURER. The secretary and treasurer shall give bond to the school corporation in such penalty as the board may require, and with sureties to be approved by it, which bond shall be filed with the president, conditioned for the faithful performance of ~~his~~ the official duties of office, but in no case less than five hundred dollars. The secretary and treasurer may give bond under a single blanket bond covering other employees of the district.

Sec. 5. Section two hundred ninety-eight point twenty-two (298.22), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

298.22 FORM--RATE OF INTEREST--WHERE REGISTERED. All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor; shall run not more than twenty years, and may be sooner paid if so nominated in the bond; bear a rate of interest not exceeding seven percent per annum, payable semiannually; be signed by the president and countersigned by the secretary of the board

of directors; and shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides.

All of said bonds, when issued, shall be delivered to the secretary of the board of directors, who shall register them in a book to be kept for that purpose, and shall deliver them when they have been properly countersigned.

The expenses of engraving and printing of bonds may be paid out of the general fund.

Sec. 6. The general assembly finds and declares that the Sixty-sixth General Assembly in 1975 intended to amend section two hundred seventy-nine point three (279.3) of the Code to read as it appears in section two (2) of this Act, that the section was so printed in the Code of 1977 and may have been relied upon in good faith by school districts in this state, but that doubts have arisen as to the validity of the 1975 action purporting to amend section two hundred seventy-nine point three (279.3) of the Code. All acts taken by a treasurer of a school district appointed on or after July 1, 1974 in reliance upon section two hundred seventy-nine point three (279.3) of the Code as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter eighty-one (81), section one hundred thirty-four (134), are hereby legalized and validated.

Sec. 7. The general assembly hereby finds and declares that the Sixty-fifth General Assembly in 1974 intended to amend section two hundred ninety-eight point twenty-two (298.22) of the Code to read as it appears in the preceding section of this Act, that the section was so printed in the Code of 1975 and the Code of 1977 and may have been relied upon in good faith by school districts in this state in handling bond issues approved by their respective electorates, but that doubts have arisen as to the validity of the 1974

action purporting to amend section two hundred ninety-eight point twenty-two (298.22) of the Code. All school district bond issues registered with school board secretaries on or after July 1, 1974 in reliance upon section two hundred ninety-eight point twenty-two (298.22) of the Code as amended by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one thousand one hundred one (1101), section seventy-three (73), are hereby legalized and validated.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 209, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1977

ROBERT D. RAY
Governor