

Sen. State Fund 3/13
S. Pass 3/28 (p. 1155)

HOUSE FILE 2488

State Government
Gratias, Chairperson
Schwenzels
Carr
6 1980

HOUSE FILE 2488

By COMMITTEE ON STATE
GOVERNMENT

Place On Calendar

(Formerly Study Bill 586)

Passed House, Date 3-10-80 (p. 239) Passed Senate, Date 4/11/80 (p. 1376)

Vote: Ayes 81 Nays 8 Vote: Ayes 45 Nays 0

Approved April 21, 1980

A BILL FOR

1 An Act relating to the powers to be exercised by electors
2 of school corporations at certain elections.

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

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2488

1 Section 1. Section two hundred seventy-seven point two
2 (277.2), Code 1979, is amended to read as follows:

3 277.2 SPECIAL ELECTION. The board of directors in any
4 school corporation may call a special election at which
5 election the voters shall have the powers exercised at the
6 regular election with reference to the sale of school property
7 and the application to be made of the proceeds, the
8 authorization of seven members on the board of directors,
9 the authorization to establish or change the boundaries of
10 director districts, and the authorization of a schoolhouse
11 tax or indebtedness, as provided by law, ~~for the purchase~~
12 ~~of a site and the construction of a necessary schoolhouse,~~
13 ~~and for obtaining roads thereto.~~

14 EXPLANATION

15 This bill deletes some outmoded language, which is in con-
16 flict with section 278.1 of the Code, from section 277.2.
17 There is concern that if this conflicting language is not
18 removed from the Code, it may result in a successful challenge
19 to a school district special election before the election
20 is held.

21 The bill takes effect July first following enactment.

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HOUSE FILE 2488

H-5410

1 Amend House File 2488 as follows:

2 1. Page 1, by inserting after line 13 the following
3 new section:

4 "Sec. 279.6. Section two hundred seventy-nine point
5 six (279.6), Code 1979, is amended to read as follows:

6 279.6 VACANCIES--QUALIFICATIONS--TENURE.

7 1. Vacancies occurring among the appointive
8 officers or members of a school board district shall
9 be filled by the board by appointment. ~~A person so~~
10 ~~appointed to fill a vacancy in an elective office~~
11 ~~shall hold office until a successor is elected and~~
12 ~~qualified pursuant to section 69.12.~~ A person ap-
13 pointed to fill a vacancy in an appointive office
14 shall hold such office for the residue remainder of
15 the unexpired term and until his or her successor
16 is appointed and qualified. Any person so appointed
17 shall qualify within ten days thereafter in the manner
18 required by section 277.28.

19 2. A vacancy in an elective school district office
20 during a term of office shall be filled, at the board's
21 option, by one of the two following procedures.

22 a. By appointment by the remaining members of
23 the board, provided such remaining members constitute
24 a quorum of the full membership. The appointment
25 shall be for the period until the next pending election
26 as defined in section sixty-nine point twelve (69.12)
27 or the Code, and shall be made within thirty days
28 after the vacancy occurs. If the board chooses to
29 proceed under this paragraph, it shall publish notice
30 of its intent to fill the vacancy in a newspaper of
31 general circulation in the district. The board may
32 publish such notice in advance if a board member
33 submits a resignation to take effect at a future date.
34 The board may make an appointment to fill the vacancy
35 after the notice is published or after the vacancy
36 occurs, whichever date is later. However, if within
37 ten days after publication of the notice the board
38 is presented with a petition which requests a special
39 election to fill the vacancy and which is signed by
40 eligible electors who are (or would be, if registered)
41 entitled to vote to fill the office in question, equal
42 in number to two percent of those who voted for
43 candidates for the office at the last preceding regular
44 election at which the office was on the ballot, but
45 not less than twenty-five persons, any appointment
46 to fill the vacancy shall be temporary and the board
47 shall call a special election to fill the vacancy
48 permanently, under paragraph 2 of this subsection.
49 Any appointment made under this subsection is permanent
50 unless the board is presented with a petition

MARCH 10, 1980

PAGE ELEVEN

H-5410

Page Two

548 1 requesting a special election.
2 b. By a special election held to fill the office
3 for the remaining balance of the unexpired term, which
4 may be held concurrently with any pending election
5 as provided by section sixty-nine point twelve (69.12)
6 of the Code if by so doing the vacancy will be filled
7 not more than ninety days after it occurs. Otherwise,
8 a special election to fill the office shall be called
9 at the earliest practicable time after the board so
10 chooses, or is required to do so under paragraph a of
11 this subsection.

12 However-~~if~~ 3. If a member of a school board
13 resigns from the board prior to the time for filing
14 nomination papers for office as a school board member,
15 as provided in section 277.4, and he specifies in
16 his the resignation that the-resignation it will be
17 effective on the date the next term of office for
18 elective school officials begins, the president of
19 the board shall declare the office vacant as of that
20 date and nomination papers shall be received for the
21 unexpired term of the resigning member. The person
22 elected at the next regular school election to fill
23 the vacancy shall take office at the same time and
24 place as the other elected school board members."

H-5410 FILED

BY THOMPSON of Polk

MARCH 7, 1980

Revised into germane 2/10 (p. 839)

HOUSE FILE 2488

H-5413

1 Amend the Thompson amendment H-5410 to House File
2 2488 as follows:
3 1. Page 1, by striking lines 29, 30 and 31 and
4 inserting in lieu thereof the words "proceed under
5 this paragraph, it shall publish notice in a newspaper
6 of general circulation in the district, stating that
7 the board intends to fill the vacancy by appointment
8 but that the electors of the school district or of
9 the school director district, as the case may be,
10 have the right to file a petition requiring that the
11 vacancy be filled by a special election. The board
12 may".

H-5413 FILED
MARCH 10, 1980
ADOPTED (p. 732)

BY THOMPSON of Polk

HOUSE FILE 2488

H-5411

1 Amend amendment H-5410 to House File 2488 as follows:
2 1. Page 1, line 27, by striking the word "thirty" and
A 3 inserting in lieu thereof the word "forty".
4 2. Page 1, line 37, by striking the word "ten" and
B 5 inserting in lieu thereof the word "fourteen".
6 3. Page 1, by striking lines 49 and 50.
C 7 4. Page 2, by striking line 1.

H-5411 FILED
MARCH 10, 1980
A - ADOPTED (p. 737)
B - ADOPTED (p. 739)
C - LOST (p. 737)

BY SPEAR of Lee

~~of a site and the construction of a necessary schoolhouse,
and for obtaining roads thereto.~~

HOUSE FILE 2488

AN ACT
RELATING TO THE POWERS TO BE EXERCISED BY ELECTORS OF SCHOOL
CORPORATIONS AT CERTAIN ELECTIONS.

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

Section 1. Section two hundred seventy-seven point two
(277.2). Code 1979, is amended to read as follows:

277.2 SPECIAL ELECTION. The board of directors in any
school corporation may call a special election at which
election the voters shall have the powers exercised at the
regular election with reference to the sale of school property
and the application to be made of the proceeds, the
authorization of seven members on the board of directors,
the authorization to establish or change the boundaries of
director districts, and the authorization of a schoolhouse
tax or indebtedness, as provided by law ~~for the purchase~~

WILLIAM H. HARBOR
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 2488, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved *April 21*, 1980

ROBERT D. RAY
Governor