

House File 2083 - Introduced

HOUSE FILE _____
BY GIPP

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disposition of school property.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 5240YH 82
4 ak/nh/5

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1 1 Section 1. Section 278.1, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. ~~Direct~~ Except when prohibited by section 297.25, direct
1 4 the sale, lease, or other disposition of any schoolhouse or
1 5 school site or other property belonging to the corporation,
1 6 and the application to be made of the proceeds thereof,
1 7 ~~provided, however, that. However, nothing herein in this~~
1 8 section shall be construed to prevent the sale independent
1 9 action by the board of directors of the corporation to sell,
1 10 lease, exchange, gift, or grant and acceptance, or otherwise
1 11 dispose of any interest in real or other property by the board
1 12 of directors without an election of the corporation to the
1 13 extent authorized in section 297.22. For the purposes of this
1 14 subsection, "dispose" or "disposition" includes the exchange,
1 15 transfer, demolition, or destruction of any real or other
1 16 property of the corporation.

1 17 Sec. 2. Section 297.22, subsection 1, Code 2007, is
1 18 amended to read as follows:
1 19 1. a. The board of directors of a school district may
1 20 sell, lease, or dispose of, in whole or in part, a
1 21 schoolhouse, school site, or other property belonging to the
1 22 district. If the real property contains less than two acres,
1 23 is located outside of a city, is not adjacent to a city, and
1 24 was previously used as a schoolhouse site, the procedure
1 25 contained in sections 297.15 through 297.20 shall be followed
1 26 in lieu of this section.
1 27 b. Proceeds from the sale or disposition of real property
1 28 shall be placed in the physical plant and equipment levy fund.
1 29 Proceeds from the sale or disposition of property other than
1 30 real property shall be placed in the general fund. Proceeds
1 31 from the lease of real or other property shall be placed in
1 32 the general fund.
1 33 c. Before the board of directors may sell, lease for a
1 34 period in excess of one year, or dispose of any property
1 35 belonging to the school, the board shall hold a public hearing
2 1 on the proposal. The board shall set forth its proposal in a
2 2 resolution and shall publish notice of the time and the place
2 3 of the public hearing on the resolution. The notice shall
2 4 also describe the property. A locally known address for real
2 5 property may be substituted for a legal description of real
2 6 property contained in the resolution. Notice of the time and
2 7 place of the public hearing shall be published at least once
2 8 not less than ten days but not more than twenty days prior to
2 9 the date of the hearing in a newspaper of general circulation
2 10 in the district. After the public hearing, the board may make
2 11 a final determination on the proposal contained in the
2 12 resolution.
2 13 d. However, property having a value of not more than five
2 14 thousand dollars, other than real property, may be disposed of
2 15 by any procedure which is adopted by the board and each sale
2 16 shall be published by at least one insertion each week for two
2 17 consecutive weeks in a newspaper having general circulation in
2 18 the district.
2 19 e. For the purposes of this subsection, "dispose" or
2 20 "disposition" includes the exchange, transfer, demolition, or
2 21 destruction of any real or personal property of the school

2 22 district.

2 23 Sec. 3. Section 297.25, Code 2007, is amended to read as
2 24 follows:

2 25 297.25 RULE OF CONSTRUCTION.

2 26 Section 297.22 shall be construed as independent of the
2 27 power vested in the electors by section 278.1, and as
2 28 additional to such power. If a board of directors has
2 29 exercised its independent power under section 297.22 regarding
2 30 the disposition of real or personal property of the school
2 31 district and has by resolution approved such action, the
2 32 electors may not subsequently proceed to exercise their power
2 33 under section 278.1 for a purpose directly contrary to an
2 34 action previously approved by the board of directors in
2 35 accordance with section 297.22. Such prohibition on electors
3 1 exercising their power in regard to an action by the board
3 2 shall expire at the end of the same calendar year that the
3 3 board approved an action unless the action itself includes a
3 4 specific time frame.

3 5 EXPLANATION

3 6 This bill relates to the disposition of school property.
3 7 The bill specifies that the board of directors of a school
3 8 district may take independent action to dispose of any
3 9 interest in real or other property of the school corporation.
3 10 The bill states that, for the purposes of the bill, "dispose"
3 11 or "disposition" includes the exchange, transfer, demolition,
3 12 or destruction of any real or personal property of the school
3 13 district. The bill prohibits voters from exercising their
3 14 power to direct the disposition of school district property
3 15 for any purpose directly contrary to an action previously
3 16 approved by the board of directors under Code section 297.22
3 17 regarding real or personal property of the school district.
3 18 Such prohibition on electors exercising their power in regard
3 19 to an action by the board shall expire at the end of the same
3 20 calendar year that the board approved an action unless the
3 21 action itself includes a specific time frame.
3 22 LSB 5240YH 82
3 23 ak/nh/5