

House File 166 - Introduced

HOUSE FILE _____
BY KUHN

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

A BILL FOR

1 An Act providing for the disposition of school property and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1990HH 83
5 ak/nh/5

PAG LIN

1 1 Section 1. Section 278.1, subsection 1, paragraph b, Code
1 2 2009, is amended to read as follows:
1 3 b. ~~Except when restricted by section 297.25, direct~~ 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 However, nothing in this section shall be construed to prevent
1 8 the independent action by the board of directors of the
1 9 corporation to sell sale, lease, exchange, gift, or grant, or
1 10 otherwise dispose and acceptance of any interest in real or
1 11 other property of the corporation to the extent authorized in
1 12 section 297.22. For the purposes of this paragraph, "dispose"
1 13 or "disposition" includes the exchange, transfer, demolition,
1 14 or destruction of any real or other property of the
1 15 corporation.

1 16 Sec. 2. Section 297.22, subsection 1, paragraph e, Code
1 17 2009, is amended by striking the paragraph.

1 18 Sec. 3. Section 297.25, Code 2009, is amended by striking
1 19 the section and inserting in lieu thereof the following:

1 20 297.25 RULE OF CONSTRUCTION.

1 21 Section 297.22 shall be construed as independent of the
1 22 power vested in the electors by section 278.1, and as
1 23 additional to such power.

1 24 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
1 25 immediate importance, takes effect upon enactment.

1 26 EXPLANATION

1 27 This bill relates to the disposition of school property.
1 28 The bill strikes changes made to Code sections 278.1(1)(b) and
1 29 297.25 and strikes Code section 297.22(1)(e), all from House
1 30 File 2526, which passed during the 2008 legislative session.

1 31 The bill returns the Code language to how it read prior to
1 32 enactment of House File 2526, except for technical changes, to
1 33 allow voters to direct the disposition of school property and
1 34 the application of the proceeds.

1 35 Currently, Code section 298.1(1)(b) specifies that the
2 1 board of directors of a school district may take independent
2 2 action to dispose of any interest in real or other property of
2 3 the school corporation. Currently, "dispose" or "disposition"
2 4 includes the exchange, transfer, demolition, or destruction of
2 5 any real or personal property of the school district. The
2 6 bill strikes this language.

2 7 Code section 297.25 currently allows voters to exercise
2 8 their power to direct the disposition of school district
2 9 property for a purpose directly contrary to an action
2 10 previously approved by the board of directors under current
2 11 Code section 297.22, regarding real or personal property of
2 12 the school district. Electors may currently exercise their
2 13 power in regard to an action by the board only for 12 months
2 14 after the board approved an action unless the action itself
2 15 includes a specific time frame. The bill strikes this
2 16 electoral power.

2 17 The bill takes effect upon enactment.

2 18 LSB 1990HH 83

2 19 ak/nh/5