

pellant, cartridges for propellant-actuated power devices, ~~and~~ cartridges for industrial guns, ~~and overpressure devices~~, but ~~shall~~ does not include “fireworks” as defined in section 727.2 ~~nor or~~ ammunition or small arms primers manufactured for use in shotguns, rifles, and pistols. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.

Sec. 2. Section 101A.1, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. “Overpressure device” means any device constructed of a container or improvised container which is filled with a mixture of chemicals or sublimating materials or gases that generate an expanding gas, which is designed or constructed to cause the container to break, fracture, or rupture in a violent manner capable of causing death, serious injury, or property damage.

Sec. 3. Section 321.279, subsection 1, Code 2007, is amended to read as follows:

1. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, “peace officer” means those officers designated under section 801.4, subsection 11, paragraphs “a”, “b”, “c”, “f”, “g”, and “h”.

Sec. 4. Section 712.6, Code 2007, is amended to read as follows:

712.6 EXPLOSIVE OR INCENDIARY MATERIALS OR DEVICES.

1. ~~Any A~~ person who ~~shall possess~~ possesses any incendiary or explosive device or material with the intent to use such device or material to commit ~~any a~~ public offense shall be guilty of a class “C” felony.

2. a. A person who possesses any incendiary or explosive device or material shall be guilty of an aggravated misdemeanor.

b. This subsection does not apply to a person holding a valid commercial license or user’s permit issued pursuant to chapter 101A, provided that the person is acting within the scope of authority granted by the license or permit.

2. 3. ~~Any A~~ person who, with the intent to intimidate, annoy, or alarm another person, ~~who~~ places a simulated explosive or simulated incendiary device in or near an occupied structure as defined in section 702.12, is guilty of a serious misdemeanor.

Approved May 7, 2008

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## CHAPTER 1148

### DISPOSITION OF SCHOOL PROPERTY

H.F. 2526

**AN ACT** relating to the disposition of school property.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 278.1, subsection 2, Code 2007, is amended to read as follows:

2. Direct ~~Except when restricted by section 297.25, direct~~ the sale, lease, or other disposition

of any schoolhouse or school site or other property belonging to the corporation, and the application to be made of the proceeds thereof, ~~provided, however, that.~~ ~~However,~~ nothing herein in this section shall be construed to prevent the sale independent action by the board of directors of the corporation to sell, lease, exchange, gift, or grant and acceptance, or otherwise dispose of any interest in real or other property by the board of directors without an election of the corporation to the extent authorized in section 297.22. For the purposes of this subsection, "dispose" or "disposition" includes the exchange, transfer, demolition, or destruction of any real or other property of the corporation.

Sec. 2. Section 297.22, subsection 1, Code 2007, is amended to read as follows:

1. a. The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, school site, or other property belonging to the district. If the real property contains less than two acres, is located outside of a city, is not adjacent to a city, and was previously used as a schoolhouse site, the procedure contained in sections 297.15 through 297.20 shall be followed in lieu of this section.

b. Proceeds from the sale or disposition of real property shall be placed in the physical plant and equipment levy fund. Proceeds from the sale or disposition of property other than real property shall be placed in the general fund. Proceeds from the lease of real or other property shall be placed in the general fund.

c. Before the board of directors may sell, lease for a period in excess of one year, or dispose of any property belonging to the school, the board shall hold a public hearing on the proposal. The board shall set forth its proposal in a resolution and shall publish notice of the time and the place of the public hearing on the resolution. The notice shall also describe the property. A locally known address for real property may be substituted for a legal description of real property contained in the resolution. Notice of the time and place of the public hearing shall be published at least once not less than ten days but not more than twenty days prior to the date of the hearing in a newspaper of general circulation in the district. After the public hearing, the board may make a final determination on the proposal contained in the resolution.

d. However, property having a value of not more than five thousand dollars, other than real property, may be disposed of by any procedure which is adopted by the board and each sale shall be published by at least one insertion each week for two consecutive weeks in a newspaper having general circulation in the district.

e. For the purposes of this subsection, "dispose" or "disposition" includes the exchange, transfer, demolition, or destruction of any real or personal property of the school district.

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

297.25 RULE OF CONSTRUCTION.

Section 297.22 shall be construed as independent of the power vested in the electors by section 278.1, and as additional to such power. If a board of directors has exercised its independent power under section 297.22 regarding the disposition of real or personal property of the school district and has by resolution approved such action, the electors may subsequently proceed to exercise their power under section 278.1 for a purpose directly contrary to an action previously approved by the board of directors in accordance with section 297.22. However, the electors shall be limited to twelve calendar months after an action by the board to exercise such power for a purpose directly contrary to the board's action.

Approved May 7, 2008