

FILED FEB 19 1992

SENATE FILE 2171  
BY COMMITTEE ON LOCAL GOVERNMENT

*Approved (9/1/90)*

(SUCCESSOR TO SSB 2025)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the appeal of local government budgets.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SC 2171

1 Section 1. Section 24.11, Code 1991, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. For the purpose of filing a  
4 written protest pursuant to section 24.27, the chairperson or  
5 head of the certifying or levying board shall request the  
6 names and addresses of the persons attending the budget  
7 hearing.

8 Sec. 2. Section 24.26, Code 1991, is amended by adding the  
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. When the state board is meeting  
11 to decide a case involving a political subdivision of the  
12 state, the membership of the state board shall include two  
13 persons representing other similar political subdivisions  
14 within the state. The two local representatives shall be  
15 selected by the state board from elected officers who are  
16 directly involved in the budget process and who shall serve  
17 only in cases involving similar political subdivisions to  
18 those they serve. The local representatives shall not serve  
19 on a case involving their own political subdivisions. The  
20 local representatives may serve on more than one case, but  
21 they shall be reappointed for each case. The local  
22 representatives shall be compensated by the state for their  
23 actual and necessary travel and related expenses. At meetings  
24 at which the local representatives are included on the state  
25 board, each local representative is entitled to one vote and  
26 the quorum to conduct business is three members.

27 Sec. 3. Section 24.27, Code 1991, is amended to read as  
28 follows:

29 24.27 PROTEST TO BUDGET.

30 Not later than March 25, a number of persons in any  
31 municipality equal to one-fourth of one percent of those  
32 voting for the office of governor, at the last general  
33 election in the municipality, but the number shall not be less  
34 than ten, and the number need not be more than one hundred  
35 persons, who are affected by any proposed budget, expenditure,

1 or tax levy, ~~or-by-any-item-thereof~~, may appeal from-any  
2 ~~decision~~ decisions of the certifying board or the levying  
3 board by filing with the county auditor of the county in which  
4 the ~~municipal-corporation~~ municipality is located, a written  
5 protest setting forth their objections to the budget,  
6 expenditure, or tax levy, ~~or-to-one-or-more-items-thereof~~, and  
7 the grounds for their objections. Ten of the signatures  
8 contained in the written protest must be names of persons who  
9 attended the hearing and whose names were recorded in the  
10 record of the proceedings as having attended the hearing. If  
11 a budget is certified after March 15, all appeal time limits  
12 shall be extended to correspond to allowances for a timely  
13 filing. Upon the filing of a protest, the county auditor  
14 shall immediately prepare a true and complete copy of the  
15 written protest, together with the budget, proposed tax levy  
16 or expenditure to which objections are made, and shall  
17 transmit them ~~forthwith~~ immediately to the state board, and  
18 shall also send a copy of the protest to the certifying board  
19 or to the levying board, as the case may be.

20 Sec. 4. Section 24.30, Code 1991, is amended to read as  
21 follows:

22 24.30 REVIEW BY AND POWERS OF BOARD.

23 ~~It-shall-be-the-duty-of-the~~ The state board to shall review  
24 and finally pass upon all ~~proposed-budget-expenditures, tax~~  
25 ~~levies-and-tax-assessments-from-which-appeal-is-taken~~ matters  
26 contained in the appeal, and ~~it-shall-have-power-and-authority~~  
27 to may approve, disapprove, or reduce all such proposed  
28 ~~budgets, expenditures, and tax levies so submitted to it upon~~  
29 ~~appeal, as herein provided, but in no event may it.~~ The state  
30 board shall not increase ~~such~~ the budget, expenditure, tax  
31 levies, or assessments, or any item contained therein, and may  
32 only order a reduction and in doing so shall not specify major  
33 fund categories or items contained within the major funds to  
34 be reduced. Said The state board shall ~~have-authority-to~~  
35 adopt rules not inconsistent with ~~the-provisions-of~~ this

1 chapter, to employ necessary assistants, authorize such  
2 expenditures, require such reports, make such investigations,  
3 and take such other action as it deems necessary to promptly  
4 hear and determine all such appeals; ~~provided, however, that,~~  
5 However, all persons ~~so~~ employed by the state board shall be  
6 selected from persons ~~then~~ regularly employed in some one of  
7 the offices of the members of ~~said~~ the state board.

8 EXPLANATION

9 This bill requires that 10 of the signatures needed for a  
10 written protest of an annual budget of a political subdivision  
11 of the state be the names of persons recorded as having  
12 attended the budget hearing. The chairperson or head of the  
13 certifying or levying board shall request the names and  
14 addresses of persons attending the proceedings of the hearing.

15 The bill also provides that an additional two persons shall  
16 be selected by the state appeal board to sit on the state  
17 board when hearing and deciding protests of local budgets.  
18 The two additional persons are to be representatives of  
19 similar political subdivisions as the one whose budget is  
20 under protest. The two representatives are to be elected  
21 officers and appointed or reappointed for each budget protest  
22 heard.

23 The bill provides that the state appeal board is to hear  
24 and decide all matters appealed, but the decision is limited  
25 to approving, disapproving, or ordering a reduction in levies  
26 and expenditures without specifying major fund categories or  
27 items within major funds to be reduced.

28  
29  
30  
31  
32  
33  
34  
35

HANNON, CH.  
SORENSEN  
JENSEN

SSB 2025

LOCAL GOVERNMENT  
~~NEW~~

SENATE FILE 2171

BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL BY CHAIR-  
PERSON MILLER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the appeal of local government budgets.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1 Section 1. Section 24.11, Code 1991, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. For the purpose of filing a  
4 written protest pursuant to section 24.27, any person  
5 attending the hearing may request that the person's name be  
6 entered into the record of the proceedings.

7 Sec. 2. Section 24.26, Code 1991, is amended by adding the  
8 following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. When the state board is meeting  
10 to decide a case involving a political subdivision of the  
11 state, the membership of the state board shall include two  
12 persons representing similar political subdivisions within the  
13 state. The two local representatives shall be selected by the  
14 state board from elected officers who are directly involved in  
15 the budget process and who shall serve only in cases involving  
16 similar political subdivisions to those they serve. The local  
17 representatives may serve on more than one case, but they  
18 shall be reappointed for each case. The local representatives  
19 shall be compensated by the state for their actual and  
20 necessary travel and related expenses. At meetings at which  
21 the local representatives are included on the state board,  
22 each local representative is entitled to one vote and the  
23 quorum to conduct business is three members.

24 Sec. 3. Section 24.27, Code 1991, is amended to read as  
25 follows:

26 24.27 PROTEST TO BUDGET.

27 Not later than March 25, a number of persons in any  
28 municipality equal to one-fourth of one percent of those  
29 voting for the office of governor, at the last general  
30 election in the municipality, but the number shall not be less  
31 than ten, and the number need not be more than one hundred  
32 persons, who are affected by any proposed budget, expenditure,  
33 or tax levy, ~~or-by-any-item-thereof,~~ may appeal from-any  
34 decision decisions of the certifying board or the levying  
35 board by filing with the county auditor of the county in which

1 the ~~municipal-corporation~~ municipality is located, a written  
 2 protest setting forth their objections to the budget,  
 3 expenditure, or tax levy, ~~or-to-one-or-more-items-thereof,~~ and  
 4 the grounds for their objections. Ten of the signatures  
 5 contained in the written protest must be names of persons who  
 6 attended the hearing and whose names were recorded in the  
 7 record of the proceedings as having attended the hearing. If  
 8 a budget is certified after March 15, all appeal time limits  
 9 shall be extended to correspond to allowances for a timely  
 10 filing. Upon the filing of a protest, the county auditor  
 11 shall immediately prepare a true and complete copy of the  
 12 written protest, together with the budget, proposed tax levy  
 13 or expenditure to which objections are made, and shall  
 14 transmit them ~~forthwith~~ immediately to the state board, and  
 15 shall also send a copy of the protest to the certifying board  
 16 or to the levying board, as the case may be.

17 Sec. 4. Section 24.30, Code 1991, is amended to read as  
 18 follows:

19 24.30 REVIEW BY AND POWERS OF BOARD.

20 ~~It shall be the duty of the~~ The state board to shall review  
 21 and finally pass upon all ~~proposed-budget-expenditures,~~ tax  
 22 ~~levies-and-tax-assessments-from-which-appeal-is-taken~~ matters  
 23 contained in the appeal, and ~~it shall have power and authority~~  
 24 to may approve, disapprove, or reduce all such proposed  
 25 ~~budgets,-expenditures,-and-tax-levies-so-submitted-to-it-upon~~  
 26 ~~appeal,-as-herein-provided,-but-in-no-event-may-it.~~ The state  
 27 board shall not increase such the budget, expenditure, tax  
 28 levies, or assessments, or any item contained therein, and may  
 29 only order a reduction and in doing so shall not specify major  
 30 fund categories or items contained within the major funds to  
 31 be reduced. ~~Said~~ The state board shall ~~have authority to~~  
 32 adopt rules not inconsistent with ~~the provisions of~~ this  
 33 chapter, to employ necessary assistants, authorize such  
 34 expenditures, require such reports, make such investigations,  
 35 and take such other action as ~~it deems~~ necessary to promptly

1 hear and determine all such appeals, -provided, -however, -that.  
2 However, all persons so employed by the state board shall be  
3 selected from persons then regularly employed in some one of  
4 the offices of the members of said the state board.

5 EXPLANATION

6 This bill requires that 10 of the signatures needed for a  
7 written protest of an annual budget of a political subdivision  
8 of the state be the names of persons recorded as having  
9 attended the budget hearing. Persons may request that their  
10 names be recorded in the record of the proceedings of the  
11 hearing.

12 The bill also provides that an additional two persons shall  
13 be selected by the state appeal board to sit on the state  
14 board when hearing and deciding protests of local budgets.  
15 The two additional persons are to be representatives of  
16 similar political subdivisions as the one whose budget is  
17 under protest. The two representatives are to be elected  
18 officers and appointed or reappointed for each budget protest  
19 heard.

20 The bill provides that the state appeal board is to hear  
21 and decide all matters appealed, but the decision is limited  
22 to approving, disapproving, or ordering a reduction in levies  
23 and expenditures without specifying major fund categories or  
24 items within major funds to be reduced.

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35