

MAR 30 1984

HOUSE FILE 2516

WAYS & MEANS CALENDAR

BY COMMITTEE ON WAYS AND MEANS

(Formerly Study Bill 795)

Passed House, Date 4-3-84 (J. 1589) Passed Senate, Date 4-17-84

Vote: Ayes 70 Nays 29 Vote: Ayes 47 Nays 0

Approved May 17, 1984

Motion to reconsider prevailed

*Repassed House 4-24-84 (J. 1668)
97-0*

A BILL FOR

1 An Act to provide funding for the removal or encapsulation of
2 asbestos by school districts.

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

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HF 2516

60431 Section 1. NEW SECTION. 279.43 FUNDING OF ASBESTOS
2 REMOVAL OR ENCAPSULATION. Not later than March 15, 1985,
3 March 15, 1986, and March 15, 1987, the board of directors
4 may certify the levy of a tax sufficient to pay the actual
5 cost of removal or encapsulation of asbestos existing in its
6 school buildings.

6078 >
7 Sec. 2. Section 442.5, subsection 1, paragraph b, Code
8 1983, is amended by adding the following new subparagraph:
9 NEW SUBPARAGRAPH. Asbestos removal or encapsulation under
10 section 279.43.

11 EXPLANATION

12 The bill allows the board of directors of a school
13 corporation to certify for levy a tax to pay the actual cost
14 of removal or encapsulation of asbestos existing in its school
15 building for three years. The levy must be certified by March
16 15, 1985, March 15, 1986, and March 15, 1987.

17 The bill takes effect July 1 following enactment.

18 HOUSE FILE 2516
19 FISCAL NOTE

20 REQUESTED BY REPRESENTATIVE DODERER

21 In compliance with a written request received March 29, 1984,
22 there is hereby submitted a Fiscal Note for HOUSE FILE 2516
23 pursuant to Joint Rule 17. Background information used in devel-
24 oping this Fiscal Note is available from the Legislative Fiscal
Bureau, to members of the General Assembly upon request.

25 House File 2516 allows the board of directors of a school corpo-
26 ration to certify for levy a tax to pay the actual cost of removal
27 or encapsulation of asbestos existing in its school buildings for
three years.

28 Fiscal Effect: The bill has no impact upon the General Fund. The
29 cost of removing the asbestos is estimated to be \$2.00 per square
30 foot, while the cost of encapsulating the substance is estimated
31 to be \$0.41 per square foot. The amount of tax which is levied to
32 pay for the removal or encapsulation of asbestos will vary with
the district's assessed valuation, the actual cost of removal or
encapsulation, and the square footage to be treated.

(4144H, 84-301F, RJH)

34 Source: Iowa Bureau of Labor
FILED APRIL 3, 1984

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 4144H 70

tj/rr/8

H-6043

1 Amend House File 2516 as follows:

2 1. Page 1, by striking lines 1 through 6 and
3 inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. 297.37 FUNDING OF
5 ASBESTOS REMOVAL OR ENCAPSULATION. The board of
6 directors may raise funds to pay the actual cost of
7 removal or encapsulation of asbestos existing in its
8 school buildings by certification of a combination
9 of an enrichment property tax and a school district
10 income surtax as provided in section 442.14. The
11 board shall determine the amount needed to pay the
12 removal or encapsulation costs and submit the
13 proposition for voter approval. If approved by a
14 majority of those voting on the proposition; the
15 combination of taxes shall be certified and levied
16 as provided in sections 442.14 through 442.20, but
17 the amount of funding shall not exceed the actual
18 cost of removal or encapsulation of the existing
19 asbestos or the maximum amount which may be raised
20 by levy of the combination of the taxes for three
21 consecutive school years as determined under section
22 442.14, subsections 3 and 4, whichever amount is
23 less."

H-6043 FILED APRIL 3, 1984 BY DAGGETT of Taylor
WITHDRAWN (p. 1587)

HOUSE FILE 2516

H-6063

1 Amend House File 2516 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:
4 "Sec. ____ . NEW SECTION. 297.37 FUNDING OF
5 ASBESTOS REMOVAL OR ENCAPSULATION.
6 1. In lieu of certification of a tax as provided
7 in section 279.43, the board of directors may raise
8 funds to pay the actual cost of removal or
9 encapsulation of asbestos existing in its school
10 buildings by certification of a combination of an
11 enrichment property tax and a school district income
12 surtax as provided in section 442.14. The board shall
13 determine the amount needed to pay the removal or
14 encapsulation costs and submit the proposition for
15 voter approval. If approved by a majority of those
16 voting on the proposition, the combination of taxes
17 shall be certified and levied as provided in sections
18 442.14 through 442.20, but the amount of funding shall
19 not exceed the actual cost of removal or encapsulation
20 of the existing asbestos or the maximum amount which
21 may be raised by levy of the combination of the taxes
22 for three consecutive school years as determined under
23 section 442.14, subsections 3 and 4, whichever amount
24 is less.
25 2. The amount raised under subsection 1 is in
26 addition to any additional enrichment amount raised
27 as provided in sections 422.14 through 442.20 for
28 educational programs.
29 3. This section is repealed effective July 1,
30 1989."

H-6063 FILED APRIL 3, 1984 BY DAGGETT of Taylor
LOST (p. 1589)

HOUSE FILE 2516

H-6098

- 1 Amend House File 2516 as follows:
2 1. Page 1, by inserting after line 6 the following:
3 "Sec. . NEW SECTION. 279.44 OPTIONAL FUNDING
4 OF ASBESTOS REMOVAL OR ENCAPSULATION. The board of
5 directors may submit for determination by the qualified
6 electors of the school district at a regular school
7 election held in September, 1984 or at a special
8 election held not later than February 15, 1985, which
9 of the following methods shall be used to fund the
10 removal or encapsulation project:
11 1. The board of directors shall pay the cost of
12 removal or encapsulation of asbestos by the method
13 specified in section 279.43.
14 2. The board of directors shall pay the actual
15 cost of removal or encapsulation of asbestos existing
16 in its school buildings by certification of a
17 combination of an enrichment property tax and a school
18 district income surtax as provided in section 442.14.
19 The combination of taxes shall be certified and levied
20 as provided in sections 442.14 through 442.20, but
21 the amount of funding shall not exceed the actual
22 cost of removal or encapsulation of the existing
23 asbestos or the maximum amount which may be raised
24 by the levy of the combination of the taxes for the
25 three school years beginning July 1, 1985, July 1,
26 1986, and July 1, 1987 as determined under section
27 442.14, subsections 3 and 4, whichever amount is less.
28 The amount raised under this paragraph is in addition
29 to any additional enrichment amount raised as provided
30 in sections 442.14 through 442.20 for other programs."
31 2. Page 1, line 10, by inserting after the figure
32 "279.43" the following: "or 279.44".
33 3. By renumbering sections.

BY GROTH of Buena Vista
DAGGETT of Taylor
VARN of Johnson
STROMER of Hancock
HALVORSON of Clayton

H-6098 FILED APRIL 4, 1984

Adopted 4/4 (p. 1668)

HOUSE FILE 2516

BY COMMITTEE ON WAYS AND MEANS
(As Amended and Passed by the House)

Be Passed House, Date 4-18-84 (p. 2181) Passed Senate, Date 4-17-84 (p. 1590)

Vote: Ayes 95 Nays 2 Vote: Ayes 47 Nays 0

Approved May 17, 1984

A BILL FOR

1 An Act to provide funding for the removal or encapsulation of
2 asbestos by school districts.

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

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House Amendments _____

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58821 Section 1. NEW SECTION. 279.43 FUNDING OF ASBESTOS
2 REMOVAL OR ENCAPSULATION. Not later than March 15, 1985,
3 March 15, 1986, and March 15, 1987, the board of directors
4 may certify the levy of a tax sufficient to pay the actual
5 cost of removal or encapsulation of asbestos existing in its
6 school buildings.

7 Sec. 2. NEW SECTION. 279.44 OPTIONAL FUNDING OF ASBESTOS
8 REMOVAL OR ENCAPSULATION. The board of directors may submit
9 for determination by the qualified electors of the school
10 district at a regular school election held in September, 1984
11 or at a special election held not later than February 15,
12 1985, which of the following methods shall be used to fund
13 the removal or encapsulation project:

588214 1. The board of directors shall pay the cost of removal
15 or encapsulation of asbestos by the method specified in section
16 279.43.

17 2. The board of directors shall pay the actual cost of
18 removal or encapsulation of asbestos existing in its school
19 buildings by certification of a combination of an enrichment
20 property tax and a school district income surtax as provided
21 in section 442.14. The combination of taxes shall be certified
22 and levied as provided in sections 442.14 through 442.20,
23 but the amount of funding shall not exceed the actual cost
24 of removal or encapsulation of the existing asbestos or the
25 maximum amount which may be raised by the levy of the
26 combination of the taxes for the three school years beginning
27 July 1, 1985, July 1, 1986, and July 1, 1987 as determined
28 under section 442.14, subsections 3 and 4, whichever amount
29 is less. The amount raised under this paragraph is in addition
30 to any additional enrichment amount raised as provided in
31 sections 442.14 through 442.20 for other programs.

32 Sec. 3. Section 442.5, subsection 1, paragraph b, Code
33 1983, is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. Asbestos removal or encapsulation under
588235 section 279.43 or 279.44.

HOUSE FILE 2516

S-5882

- 1 Amend House File 2516 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 1 through 8 and
4 inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING
6 OF ASBESTOS REMOVAL OR ENCAPSULATION. The board of
7 directors may pay the actual cost of removal or
8 encapsulation of asbestos existing in its school
9 buildings from funds in the general fund of the school
10 district. If funds in the general fund are
11 insufficient, the board of directors may submit".
12 2. Page 1, by striking lines 15 and 16 and
13 inserting in lieu thereof the following: "or
14 encapsulation of asbestos by certifying the levy of
15 a property tax sufficient to pay the actual cost of
16 removal or encapsulation of asbestos existing in its
17 school buildings. The tax shall be certified for
18 not more than three consecutive years, commencing
19 not later than March 15, 1985 and ending not later
20 than March 15, 1987."
21 3. Page 1, line 35, by striking the word and
22 figure "or 279.44".
23 4. By renumbering sections.

S-5882 FILED

APRIL 13, 1984

Out of order 4/17 (p. 1589)

BY BERL E. PRIEBE

ARTHUR L. GRATIAS

DALE L. TIEDEN

EMIL J. HUSAK

HOUSE FILE 2516

S-5889

- 1 Amend House File 2516 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 1 through 19 and
4 inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING
6 OF ASBESTOS REMOVAL OR ENCAPSULATION. The board of
7 directors may pay the actual cost of removal or
8 encapsulation of asbestos existing in its school
9 district buildings from funds in the general fund
10 or the school house fund provided for under section
11 297.5 of the school district, or by certification
12 of a combination of an enrichment".
13 2. Page 1, line 35, by striking the word and
14 figure "or 279.44".
15 3. By renumbering sections.

S-5889 FILED

APRIL 13, 1984

Out of order 4/17 (p. 1589)

BY ARTHUR L. GRATIAS

DALE L. TIEDEN

EMIL J. HUSAK

RAY TAYLOR

JOE BROWN

BERL E. PRIEBE

HOUSE FILE 2516

-5924

1 Amend House File 2516, as amended, passed and re-
2 printed by the House as follows:

3 1. Page 1, by striking lines 1 through 31 and
4 inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING
6 OF ASBESTOS REMOVAL OR ENCAPSULATION.

7 1. The board of directors may pay the actual cost
8 of removal or encapsulation of asbestos existing in
9 its school buildings from any funds in the general
10 fund of the district, funds received from the
11 schoolhouse tax authorized under section 278.1,
12 subsection 7, or funds from the tax levy certified
13 under section 297.5.

14 2. The board of directors may also submit a
15 proposal to the qualified electors of the school
16 district at a regular school election held in
17 September, 1984 or at a special election held not
18 later than February 15, 1985, to authorize an
19 additional tax levy to pay the actual cost of an
20 asbestos removal or encapsulation project.

21 3. The election proposal shall include the
22 following two parts:

23 a. Shall a tax levy be certified for not more
24 than three consecutive years to pay the actual costs
25 of the asbestos removal or encapsulation project?

26 b. If a tax levy is authorized by the electorate,
27 which of the following tax methods shall be used to
28 pay for the project:

29 (1) A property tax sufficient to pay the actual
30 costs of the project.

31 (2) A combination of an enrichment property tax
32 and a school district income surtax certified and
33 levied as provided in sections 442.14 through 442.20.

34 c. If a property tax levy is selected under
35 paragraph "b", subparagraph (1), the levy shall be
36 certified for not more than three consecutive years
37 commencing not later than March 15, 1985 and ending
38 not later than March 15, 1987.

39 d. If a combination of an enrichment property
40 tax and a school district income surtax is selected,
41 the amount of tax revenue raised shall not exceed
42 the actual cost of the removal or encapsulation of
43 the asbestos or the maximum amount which may be raised
44 by the levy of the combination of the taxes for the
45 three school years beginning July 1, 1985 and ending
46 July 1, 1987 as determined under section 442.14,
47 subsections 3 and 4, whichever amount is less.

48 4. If a majority of the qualified electors voting
49 for and against the tax authorization proposed under
50 subsection 3, paragraph "a", favor the certification

SENATE 31
APRIL 17, 1984

S-5924

1 of a tax levy, the tax method receiving the largest
2 number of votes under subsection 3, paragraph "b",
3 shall be used to pay the actual costs of the removal
4 or encapsulation project.

5 5. The taxes certified for levy under this section
6 are in addition to any other taxes or additional
7 enrichment amount raised for other programs as provided
8 by law.

9 6. Nothing in sections 442.14 through 422.20 or
10 this section shall be construed to require more than
11 one favorable election to authorize the use of a
12 property tax or the combination of an enrichment
13 property tax and a school district income surtax to
14 pay the actual cost of an asbestos removal or encapsul-
15 ation project under this section."

16 2. Page 1, line 35, by striking the word and
17 number "or 279.44".

18 3. By renumbering sections as necessary.

S-5924 FILED

APRIL 16, 1984

Adopted 4/17 (f 1589)

BY ARTHUR L. GRATIAS

EMIL J. HUSAK

BERL E. PRIEBE

JOE BROWN

DALE TIEDEN

RAY TAYLOR

SENATE AMENDMENT TO HOUSE FILE 2516

6367

Amend House File 2516, as amended, passed and re-printed by the House as follows:

1. Page 1, by striking lines 1 through 31 and inserting in lieu thereof the following:

"Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING OF ASBESTOS REMOVAL OR ENCAPSULATION.

1. The board of directors may pay the actual cost of removal or encapsulation of asbestos existing in its school buildings from any funds in the general fund of the district, funds received from the schoolhouse tax authorized under section 278.1, subsection 7, or funds from the tax levy certified under section 297.5.

2. The board of directors may also submit a proposal to the qualified electors of the school district at a regular school election held in September, 1984 or at a special election held not later than February 15, 1985, to authorize an additional tax levy to pay the actual cost of an asbestos removal or encapsulation project.

3. The election proposal shall include the following two parts:

a. Shall a tax levy be certified for not more than three consecutive years to pay the actual costs of the asbestos removal or encapsulation project?

b. If a tax levy is authorized by the electorate, which of the following tax methods shall be used to pay for the project:

(1) A property tax sufficient to pay the actual costs of the project.

(2) A combination of an enrichment property tax and a school district income surtax certified and levied as provided in sections 442.14 through 442.20.

c. If a property tax levy is selected under paragraph "b", subparagraph (1), the levy shall be certified for not more than three consecutive years commencing not later than March 15, 1985 and ending not later than March 15, 1987.

d. If a combination of an enrichment property tax and a school district income surtax is selected, the amount of tax revenue raised shall not exceed the actual cost of the removal or encapsulation of the asbestos or the maximum amount which may be raised by the levy of the combination of the taxes for the three school years beginning July 1, 1985 and ending July 1, 1987 as determined under section 442.14, subsections 3 and 4, whichever amount is less.

4. If a majority of the qualified electors voting for and against the tax authorization proposed under subsection 3, paragraph "a", favor the certification

H-6367

Page Two

1 of a tax levy, the tax method receiving the largest
2 number of votes under subsection 3, paragraph "b",
3 shall be used to pay the actual costs of the removal
4 or encapsulation project.

5 5. The taxes certified for levy under this section
6 are in addition to any other taxes or additional
7 enrichment amount raised for other programs as provided
8 by law.

9 6. Nothing in sections 442.14 through 422.20 or
10 this section shall be construed to require more than
11 one favorable election to authorize the use of a
12 property tax or the combination of an enrichment
13 property tax and a school district income surtax to
14 pay the actual cost of an asbestos removal or encapsul-
15 ation project under this section."

16 2. Page 1, line 35, by striking the word and
17 number "or 279.44".

18 3. By renumbering sections as necessary.

H-6367 FILED APRIL 17, 1984 RECEIVED FROM THE SENATE

House concurred 4/18 (p. 2180)

HOUSE FILE 2516

AN ACT

TO PROVIDE FUNDING FOR THE REMOVAL OR ENCAPSULATION OF ASBESTOS BY SCHOOL DISTRICTS.

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

Section 1. NEW SECTION. 279.43 OPTIONAL FUNDING OF ASBESTOS REMOVAL OR ENCAPSULATION.

1. The board of directors may pay the actual cost of removal or encapsulation of asbestos existing in its school buildings from any funds in the general fund of the district, funds received from the schoolhouse tax authorized under section 278.1, subsection 7, or funds from the tax levy certified under section 297.5.

2. The board of directors may also submit a proposal to the qualified electors of the school district at a regular school election held in September, 1984 or at a special election held not later than February 15, 1985, to authorize an additional tax levy to pay the actual cost of an asbestos removal or encapsulation project.

3. The election proposal shall include the following two parts:

a. Shall a tax levy be certified for not more than three consecutive years to pay the actual costs of the asbestos removal or encapsulation project?

b. If a tax levy is authorized by the electorate, which of the following tax methods shall be used to pay for the project:

(1) A property tax sufficient to pay the actual costs of the project.

(2) A combination of an enrichment property tax and a school district income surtax certified and levied as provided in sections 442.14 through 442.20.

c. If a property tax levy is selected under paragraph "b", subparagraph (1), the levy shall be certified for not more than three consecutive years commencing not later than March 15, 1985 and ending not later than March 15, 1987.

d. If a combination of an enrichment property tax and a school district income surtax is selected, the amount of tax revenue raised shall not exceed the actual cost of the removal or encapsulation of the asbestos or the maximum amount which may be raised by the levy of the combination of the taxes for the three school years beginning July 1, 1985 and ending July 1, 1987 as determined under section 442.14, subsections 3 and 4, whichever amount is less.

4. If a majority of the qualified electors voting for and against the tax authorization proposed under subsection 3, paragraph "a", favor the certification of a tax levy, the tax method receiving the largest number of votes under subsection 3, paragraph "b", shall be used to pay the actual costs of the removal or encapsulation project.

5. The taxes certified for levy under this section are in addition to any other taxes or additional enrichment amount raised for other programs as provided by law.

6. Nothing in sections 442.14 through 442.20 or this section shall be construed to require more than one favorable election to authorize the use of a property tax or the combination of an enrichment property tax and a school district income surtax to pay the actual cost of an asbestos removal or encapsulation project under this section.

Sec. 2. Section 442.5, subsection 1, paragraph b, Code 1983, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. Asbestos removal or encapsulation under section 279.43.

DONALD D. AVENSON
Speaker of the House

CHARLES P. MILLER
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and is known as House File 2516, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 17, 1984

TERRY E. BRANSTAD
Governor