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WAYS AND MEANS

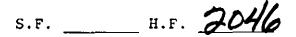
HOUSE FILE **2046** BY GRIES, NELSON of Marshall,

and HAMMITT BARRY

Passed	House,	Date	Passed	Senate,	Date
Vote:	Ayes _	Nays	Vote:	Ayes 🧾	Nays
	1	Approved			_

A BILL FOR

1	1 An Act relating to the authorization to levy a property	tax to
2	2 finance community college equipment replacement and	program-
3	3 sharing costs.	
4	4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF I	OWA:
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Section 1. Section 260C.28, subsection 3, Code 1995, is
amended by striking the subsection and inserting in lieu
thereof the following:

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If the board of directors wishes to certify for a levy 3. 4 5 under subsection 2, the board shall hold a public hearing on 6 the question of authorization. The board shall set forth its 7 proposal to levy in a resolution and shall publish the notice 8 of the time and place of a public hearing on the resolution. 9 Notice of the time and place of the public hearing shall be 10 published in one or more newspapers not less than ten and not 11 more than twenty days before the public hearing. The notice 12 may only be published in a newspaper of general circulation 13 issued at a regular frequency, distributed in the school dis-14 trict's area, and regularly delivered or mailed through the 15 post office during the preceding two years. In addition, the 16 newspaper must have a list of subscribers who have paid, or 17 promised to pay, at more than a nominal rate, for copies to be 18 received during a stated period. At the hearing, the board 19 shall announce a date certain, no later than thirty days after 20 the date of the hearing, that it will take action to adopt a 21 resolution to levy for a period not exceeding five years or to 22 direct the county commissioner of elections to call an 23 election to submit the question of authorization to levy for a 24 period not exceeding ten years to the registered voters of the 25 school district at the next following regular school election 26 in the base year or a special election held not later than 27 December 1 of the base year. For purpoes of this section, 28 "base year" means base year as defined in section 257.2. If 29 the board calls an election on the question of authorization, 30 if a majority of those voting on the question favors 31 authorization, the board may certify for a levy as provided 32 under subsection 2 during each of the ten years following the 33 election. If a majority of those voting on the guestion at 34 the election does not favor authorization of the board to make 35 a levy under subsection 2, the board shall not submit the

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1 question to the voters again until twelve months have lapsed 2 from the date of the election.

3 Sec. 2. Section 260C.28, Code 1995, is amended by adding 4 the following new subsection:

NEW SUBSECTION. 4. If the board does not provide for an 5 6 election on the question of authorization and instead adopts a 7 resolution to levy for a period not exceeding five years, the 8 levy shall be certified unless within twenty-eight days 9 following the action of the board the secretary of the board 10 receives a petition containing the required number of 11 signatures, asking that an election be called to approve or 12 disapprove the authorization to levy. The petition must be 13 signed by eligible electors equal in number to not less than 14 one hundred or thirty percent of the number of voters at the 15 last preceding regular school election, whichever is greater. 16 The board shall either rescind its action or direct the county 17 commissioner of elections to submit the question to the 18 registered voters of the school district at the next following 19 regular school election or a special election held not later 20 than December 1 of the base year. If a majority of those 21 voting on the question at the election favors disapproval of 22 the action of the board, the levy shall not be certified. If 23 a majority of those voting on the question favors approval of 24 the action, the board shall certify the levy for a five-year 25 period.

26 At the expiration of the twenty-eight-day period, if no 27 petition is filed, the levy shall be certified.

EXPLANATION

This bill authorizes a community college board of directors to certify for a tax levy to finance program-sharing and equipment replacement costs subject to varying requirements depending on whether the authorization is intended to cover a five-year or 10-year interval.

34 Section 260C.28, subsection 3, currently requires an 35 election on the question of authorization to levy for program-



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1 sharing and equipment replacement funding. If a majority vote 2 favors authorization, certification for levy in each of the 10 3 years following the election shall be permitted.

This bill provides an alternative procedure for 4 5 authorization to levy for a five-year interval without an 6 election. At a public hearing held after notice and at least 7 30 days prior to board action, the board shall announce an 8 intention to certify for levy for a five-year duration, or 9 call for an election on the question of certification for a 10 10-year duration. The board may certify for a five-year ll interval without election unless within 28 days following the 12 proposal of a resolution to levy, a petition calling for an 13 election is received signed by a requisite number of eligible 14 electors. If a valid petition is received, a majority vote 15 favoring authorization at the next regularly scheduled school 16 election, or a special election, is required to approve the 17 five-year levy. If a petition is not received, the levy may 18 be certified at the expiration of the 28-day-period.

19 This bill also provides that if the board seeks authoriza-20 tion to levy for a 10-year interval, rather than for five 21 years, certification subject to petition is not permitted and 22 an election on the question of authorization must take place, 23 again subject to majority vote in favor of authorization of 24 the 10-year levy.

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