

JAN 10 1996

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 \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the authorization to levy a property tax to  
2 finance community college equipment replacement and program-  
3 sharing costs.

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

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HF 2046

1 Section 1. Section 260C.28, subsection 3, Code 1995, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 3. If the board of directors wishes to certify for a levy  
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 purposes 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 question 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

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:

5 NEW SUBSECTION. 4. If the board does not provide for an  
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.

28 EXPLANATION

29 This bill authorizes a community college board of directors  
30 to certify for a tax levy to finance program-sharing and  
31 equipment replacement costs subject to varying requirements  
32 depending on whether the authorization is intended to cover a  
33 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-

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.

4 This bill provides an alternative procedure for  
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  
11 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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