

Senate Study Bill 2183

Conference Committee Text

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1 1 Section 1. Section 11.6, subsection 1, paragraph a,
1 2 unnumbered paragraph 1, Code 1995, is amended to read as
1 3 follows:
1 4 The financial condition and transactions of all cities and
1 5 city offices, counties, county hospitals organized under
1 6 chapters 347 and 347A, memorial hospitals organized under
1 7 chapter 37, entities organized under chapter 28E having gross
1 8 receipts in excess of one hundred thousand dollars in a fiscal
1 9 year, merged areas, area education agencies, and all school
1 10 offices in school districts, shall be examined at least once
1 11 each year, except that cities having a population of seven
1 12 hundred or more but less than two thousand shall be examined
1 13 at least once every four years, and cities having a population
1 14 of less than seven hundred may be examined as otherwise
1 15 provided in this section. The examination shall cover the
1 16 fiscal year next preceding the year in which the audit is
1 17 conducted. The examination of school offices shall include an
1 18 audit of all school funds, the certified annual financial
1 19 report, and the certified enrollment as provided in section
1 20 257.6.

~~Examinations of community colleges shall include an~~

1 21

~~audit of eligible and noneligible contact hours as defined in~~

1 22

~~section 260D.2. Eligible and noneligible contact hours and~~

1 23

~~any differences~~

~~Differences~~ in certified enrollment shall be
1 24 reported to the department of management.

1 25 Sec. 2. Section [257.31](#), subsection 16, Code 1995, is
1 26 amended to read as follows:

1 27 16. The committee shall perform the duties assigned to it
1 28 under

~~chapter 260D and section~~

~~sections 257.32 and 260C.18B.~~

1 29 Sec. 3. Section [260C.2](#), Code 1995, is amended by adding
1 30 the following new subsections:

1 31 NEW SUBSECTION. 1A. "Contact hour" means fifty minutes of
1 32 contact between an instructor and students in a scheduled
1 33 course offering for which students are registered.

1 34 NEW SUBSECTION. 2A. "Instructional cost center" means one
1 35 of the following areas of course offerings of the community
2 1 colleges:

2 2 a. Arts and sciences cost center.

2 3 b. Vocational-technical preparatory cost center.

2 4 c. Vocational-technical supplementary cost center.

2 5 d. Adult basic education and high school completion cost

2 6 center.

2 7 e. Continuing and general education cost center.

2 8 Sec. 4. Section 260C.14, Code 1995, is amended by adding
2 9 the following new subsection:

2 10 NEW SUBSECTION. 21. Provide, within a reasonable time,
2 11 information as requested by the departments of management and
2 12 education.

2 13 Sec. 5. Section 260C.18, subsection 4, Code 1995, is
2 14 amended to read as follows:

2 15 4. State aid and supplemental state aid to be paid in
2 16 accordance with the statutes which provide such aid.

2 17 Sec. 6. NEW SECTION. 260C.18A STATE AID.

2 18 For the fiscal year beginning July 1, 1996, and for each
2 19 succeeding fiscal year, moneys appropriated by the general
2 20 assembly from the general fund of the state to the department
2 21 of education for community college purposes for general state
2 22 financial aid, including general financial aid to merged areas
2 23 in lieu of personal property tax replacement payments under
2 24 section 427A.13, to merged areas as defined in section 260C.2,
2 25 for vocational education programs in accordance with chapters
2 26 258 and 260C, to purchase instructional equipment for
2 27 vocational and technical courses of instruction in community
2 28 colleges, and for salary increases, for a fiscal year, shall
2 29 be allocated to each community college by the state board in
2 30 the proportion that the allocation to that community college
2 31 in 1995 Iowa Acts, chapter 218, section 1, subsection 19,
2 32 bears to the total appropriation made in 1995 Iowa Acts,
2 33 chapter 218, section 1, subsection 19.

2 34 Sec. 7. NEW SECTION. 260C.18B COMMUNITY COLLEGE BUDGET
2 35 REVIEW.

3 1 1. A community college budget review procedure is
3 2 established for the school budget review committee created in
3 3 section 257.30. The school budget review committee, in
3 4 addition to its duties under chapter 257, shall meet and hold
3 5 hearings each year under this chapter to review unusual
3 6 circumstances of community colleges, either upon the
3 7 committee's motion or upon the request of a community college.
3 8 The committee may grant supplemental state aid to the
3 9 community college from funds appropriated to the department of
3 10 education for community college budget review purposes.

3 11 Unusual circumstances shall include but not be limited to
3 12 the following:

3 13 a. An unusual increase or decrease in enrollment or
3 14 contact hours.

3 15 b. Natural disasters.

3 16 c. Unusual staffing problems.

3 17 d. Unusual necessity for additional funds to permit
3 18 continuance of a course or program in an instructional cost
3 19 center which provides substantial benefit to students.

3 20 e. Unusual need for a new course or program in an
3 21 instructional cost center which will provide substantial
3 22 benefit to students, if the community college establishes the
3 23 need and the amount of necessary increased cost.

3 24 f. Unique problems of community colleges to include
3 25 vandalism, civil disobedience, and other costs incurred by
3 26 community colleges.

3 27 2. When the school budget review committee makes a
3 28 decision under subsection 1, it shall provide written notice
3 29 of its decision, including the amount of supplemental state
3 30 aid approved, to the board of directors of the community
3 31 college and to the department of education.

3 32 3. All decisions by the school budget review committee
3 33 under this chapter shall be made in accordance with reasonable
3 34 and uniform policies which shall be consistent with this
3 35 chapter.

4 1 4. Failure by a community college to provide information
4 2 or appear before the school budget review committee as
4 3 requested for the accomplishment of review or hearing

4 4 constitutes justification for the committee to instruct the
4 5 department of revenue and finance to withhold supplemental
4 6 state aid to that community college until the committee's
4 7 inquiries are satisfied completely.
4 8 Sec. 8. Section 260C.34, Code 1995, is amended to read as
4 9 follows:
4 10 260C.34 USES OF FUNDS.
4 11 Funds obtained pursuant to section 260C.17; section
4 12 260C.18, subsections 3, 4, and 5

~~of section 260C.18~~

~~;~~

~~section~~

~~-~~

4 13 and sections 260C.18A, 260C.18B, 260C.19

~~;~~

~~and~~

~~section~~

~~- 260C.22~~

4 14 shall not be used for the construction or maintenance of
4 15 athletic buildings or grounds but may be used for a project
4 16 under section 260C.56.

4 17 Sec. 9. Section 260C.39, unnumbered paragraph 5, Code
4 18 1995, is amended to read as follows:

4 19 The terms of employment of personnel, for the academic year
4 20 following the effective date of the agreement to combine the
4 21 merged areas shall not be affected by the combination of the
4 22 merged areas, except in accordance with the procedures under
4 23 sections 279.15 to 279.18 and section 279.24, to the extent
4 24 those procedures are applicable, or under the terms of the
4 25 base bargaining agreement. The authority and responsibility
4 26 to offer new contracts or to continue, modify, or terminate
4 27 existing contracts pursuant to any applicable procedures under
4 28 chapter 279, shall be transferred to the acting, and then to
4 29 the new, board of the combined merged area upon certification
4 30 of a favorable vote to each of the merged areas affected by
4 31 the agreement. The collective bargaining agreement of the
4 32 merged area

~~with the largest number of contact hours eligible~~

~~-~~

4 33

~~for~~

~~- receiving the greatest amount of general state aid~~

4 34 pursuant to section 260C.18A,

~~as defined under section 260D.2,~~

~~-~~

4 35 shall serve as the base agreement for the combined merged area
5 1 and the employees of the merged areas which combined to form
5 2 the new combined merged area shall automatically be accreted
5 3 to the bargaining unit from that former merged area for
5 4 purposes of negotiating the contracts for the following years
5 5 without further action by the public employment relations
5 6 board. If only one collective bargaining agreement is in
5 7 effect among the merged areas which are combining under this
5 8 section, then that agreement shall serve as the base
5 9 agreement, and the employees of the merged areas which are
5 10 combining to form the new combined merged area shall
5 11 automatically be accreted to the bargaining unit of that
5 12 former merged area for purposes of negotiating the contracts
5 13 for the following years without further action by the public
5 14 employment relations board. The board of the combined merged

5 15 area, using the base agreement as its existing contract, shall
5 16 bargain with the combined employees of the merged areas that
5 17 have agreed to combine for the academic year beginning with
5 18 the effective date of the agreement to combine merged areas.
5 19 The bargaining shall be completed by March 15 prior to the
5 20 academic year in which the agreement to combine merged areas
5 21 becomes effective or within one hundred eighty days after the
5 22 organization of the acting board of the new combined merged
5 23 area, whichever is later. If a bargaining agreement was
5 24 already concluded in the former merged area which has the
5 25 collective bargaining agreement that is serving as the base
5 26 agreement for the new combined merged area, between the former
5 27 merged area board and the employees of the former merged area,
5 28 that agreement is void, unless the agreement contained
5 29 multiyear provisions affecting academic years subsequent to
5 30 the effective date of the agreement to form a combined merged
5 31 area. If the base collective bargaining agreement contains
5 32 multiyear provisions, the duration and effect of the agreement
5 33 shall be controlled by the terms of the agreement. The
5 34 provisions of the base agreement shall apply to the offering
5 35 of new contracts, or the continuation, modification, or
6 1 termination of existing contracts between the acting or new
6 2 board of the combined merged area and the combined employees
6 3 of the new combined merged area.

6 4 Sec. 10. NEW SECTION. 260C.49 RULES.

6 5 The department of education shall adopt rules and
6 6 definitions of terms necessary for the administration of this
6 7 chapter. The school budget review committee shall adopt rules
6 8 under chapter 17A to carry out section 260C.18B.

6 9 Sec. 11. Section 261C.6, subsection 2, unnumbered
6 10 paragraph 2, Code 1995, is amended to read as follows:

6 11 A pupil is not eligible to enroll on a full-time basis in
6 12 an eligible postsecondary institution and receive payment for
6 13 all courses in which a student is enrolled.

~~6 14 If an eligible~~

~~6 14~~

~~6 15 postsecondary institution is a community college established~~

~~6 15~~

~~6 16 under chapter 260C, the contact hours of a pupil for which a~~

~~6 16~~

~~6 17 tuition reimbursement amount is received are not contact hours~~

~~6 17~~

~~6 18 eligible for general aid under chapter 260D.~~

6 18 Sec. 12. Chapter 260D, Code 1995 and Code Supplement 1995,
6 19 is repealed.

6 20 Sec. 13. EFFECTIVE DATE. This Act, being deemed of
6 21 immediate importance, takes effect upon enactment.

6 22 EXPLANATION

6 23 This Act repeals chapter 260D, titled "funding for
6 24 community colleges", and replaces the funding provisions of
6 25 that chapter with a formula for allocating state aid
6 26 appropriated to community colleges.

6 27 The formula is established for the fiscal year beginning
6 28 July 1, 1996, and succeeding fiscal years. Under the formula,
6 29 funds appropriated specifically for the 15 community colleges
6 30 in this state shall be allocated to the community colleges
6 31 based upon the distribution percentages used to distribute

6 32 state general financial aid for community colleges for the
6 33 fiscal year beginning July 1, 1995.
6 34 The bill also restores certain language and provisions from
6 35 the repealed chapter 260D in chapter 260C. The definitions of
7 1 "contact hour" and "instructional cost center" are moved to
7 2 section 260C.2. The provisions of section 260D.14, relating
7 3 to community college budget review; and section 260D.16,
7 4 relating to the adoption of rules by the department of
7 5 education and the school budget review committee, are
7 6 reproduced under sections 260D.18B and 260D.49. Section
7 7 260D.18 also provides for the allocation of supplemental state
7 8 aid to community colleges if moneys are appropriated for
7 9 supplemental state aid. The bill requires the board of
7 10 directors of a community college to provide, within a
7 11 reasonable time, information as requested by the departments
7 12 of management and education.
7 13 The bill takes effect upon its enactment.
7 14 LSB 4263XC 76
7 15 kh/sc/14