

MAR 11 1999

STATE GOVERNMENT

HOUSE FILE
BY MILLAGE

646

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to elections at which certain propositions of
2 cities, counties, and school corporations may be placed on the
3 ballot.

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

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HF 646

1 Section 1. Section 28E.17, subsection 3, paragraph a, Code
2 1999, is amended to read as follows:

3 a. The council shall give notice and conduct a hearing on
4 the proposal in the manner set forth in section 384.25.
5 However, the notice must be published at least ten days prior
6 to the hearing, and if a petition valid under section 362.4 is
7 filed with the clerk of the city prior to the hearing, asking
8 that the question of issuing the bonds be submitted to the
9 registered voters of the city, the council shall either by
10 resolution declare the proposal abandoned or shall direct the
11 county commissioner of elections to ~~call a special election to~~
12 vote upon submit the question of issuing the bonds at the next
13 following regular city election or at the next general
14 election. Notice of the ~~election and its conduct~~ ballot
15 measure shall be in the manner provided in section 384.26.

16 Sec. 2. Section 28E.22, unnumbered paragraph 1, Code 1999,
17 is amended to read as follows:

18 The board of supervisors, or the city councils of a
19 district composed only of cities, may, and upon receipt of a
20 petition signed by five percent of the registered voters
21 residing in the district shall, submit a proposition to the
22 electorate residing in the district ~~at any general election or~~
23 ~~at a special election held throughout the district.~~ In
24 districts composed only of cities, the proposition may be
25 placed on the ballot of the next following regular city
26 election or the next general election. In all other
27 districts, the proposition must be placed on the general
28 election ballot. The proposition shall provide for the
29 establishment of a public safety fund and the levy of a tax on
30 taxable property located in the district at rates not
31 exceeding the rates specified in this section for the purpose
32 of providing additional moneys for the operation of the
33 district.

34 Sec. 3. Section 28E.39, unnumbered paragraph 1, Code 1999,
35 is amended to read as follows:

1 An agreement establishing a community cluster shall require
2 the approval of the registered voters residing within the area
3 of the cluster if the agreement provides for the sharing of
4 revenues from ad valorem property taxes. The proposition
5 shall be submitted to the electorate by each governmental unit
6 forming the community cluster to the electors residing within
7 the area of the governmental unit at a the general election or
8 ~~at-a-special-election~~ the regular city election if the
9 community cluster includes only cities. However, if a county
10 has designated only certain townships as being included within
11 the community cluster, the proposition shall be submitted to
12 the electorate of the county residing only in the townships
13 included in the community cluster.

14 Sec. 4. Section 37.3, unnumbered paragraph 1, Code 1999,
15 is amended to read as follows:

16 Upon the filing of the requisite petition, the city council
17 shall cause the proposition to be submitted at a the regular
18 city election, or at ~~a-special~~ the general election to-be
19 ~~called-if-requested-in-the-petition~~, in substantially the
20 following form:

21 Sec. 5. NEW SECTION. 39.26 CITY AND COUNTY SPECIAL
22 ELECTIONS PROHIBITED.

23 A proposition authorizing the issuance of bonds or other
24 indebtedness, or the imposition of, or increase in, a voter-
25 approved property tax levy or local option sales tax by a city
26 or county may only be placed on the ballot at the regular city
27 election or general election, if a city, and on the ballot at
28 the general election, if a county.

29 Sec. 6. Section 75.1, unnumbered paragraph 3, Code 1999,
30 is amended to read as follows:

31 When a proposition to authorize an issuance of bonds has
32 been submitted to the electors under this section and the
33 proposal fails to gain approval by the required percentage of
34 votes, such proposal, or any proposal which incorporates any
35 portion of the defeated proposal, shall not be submitted to

1 the electors for a period of six months from the date of such
2 ~~regular-or-special~~ the election.

3 Sec. 7. Section 257.18, subsection 1, Code 1999, is
4 amended to read as follows:

5 1. An instructional support program that provides
6 additional funding for school districts is established. A
7 board of directors that wishes to consider participating in
8 the instructional support program shall hold a public hearing
9 on the question of participation. The board shall set forth
10 its proposal, including the method that will be used to fund
11 the program, in a resolution and shall publish the notice of
12 the time and place of a public hearing on the resolution.
13 Notice of the time and place of the public hearing shall be
14 published not less than ten nor more than twenty days before
15 the public hearing in a newspaper which is a newspaper of
16 general circulation in the school district. At the hearing,
17 or no later than thirty days after the date of the hearing,
18 the board shall take action to adopt a resolution to
19 participate in the instructional support program for a period
20 not exceeding five years or to direct the county commissioner
21 of elections to submit the question of participation in the
22 program for a period not exceeding ten years to the registered
23 voters of the school district at the next regular ~~school~~ city
24 election or at ~~a-special~~ the next general election. If the
25 board submits the question at an election and a majority of
26 those voting on the question favors participation in the
27 program, the board shall adopt a resolution to participate
28 beginning in the fiscal year following the year of the
29 election and shall certify the results of the election to the
30 department of management.

31 Sec. 8. Section 257.18, subsection 2, unnumbered paragraph
32 1, Code 1999, is amended to read as follows:

33 If the board does not provide for an election and adopts a
34 resolution to participate in the instructional support
35 program, the district shall participate in the instructional

1 support program unless within twenty-eight days following the
2 action of the board, the secretary of the board receives a
3 petition containing the required number of signatures, asking
4 that an election be called to approve or disapprove the action
5 of the board in adopting the instructional support program.
6 The petition must be signed by eligible electors equal in
7 number to not less than one hundred or thirty percent of the
8 number of voters at the last preceding regular school
9 election, whichever is greater. The board shall either
10 rescind its action or direct the county commissioner of
11 elections to submit the question to the registered voters of
12 the school district at the next following regular ~~school~~ city
13 election or ~~a special~~ the next general election. If a
14 majority of those voting on the question at the election
15 favors disapproval of the action of the board, the district
16 shall not participate in the instructional support program.
17 If a majority of those voting on the question favors approval
18 of the action, the board shall certify the results of the
19 election to the department of management and the district
20 shall participate in the program.

21 Sec. 9. Section 257.29, unnumbered paragraph 1, Code 1999,
22 is amended to read as follows:

23 An educational improvement program is established to
24 provide additional funding for school districts in which the
25 regular program district cost per pupil for a budget year is
26 one hundred ten percent of the regular program state cost per
27 pupil for the budget year and which have approved the use of
28 the instructional support program established in section
29 257.18. A board of directors that wishes to consider
30 participating in the educational improvement program shall
31 hold a hearing on the question of participation and the
32 maximum percent of the regular program district cost of the
33 district that will be used. The hearing shall be held in the
34 manner provided in section 257.18 for the instructional
35 support program. Following the hearing, the board may direct

1 the county commissioner of elections to submit the question to
2 the registered voters of the school district at the next
3 following regular ~~school~~ city election or ~~a special~~ the next
4 general election ~~held-not-later-than-the-following-February-1.~~
5 If a majority of those voting on the question favors
6 participation in the program, the board shall adopt a
7 resolution to participate and shall certify the results of the
8 election to the department of management and the district
9 shall participate in the program beginning in the fiscal year
10 following the year of the election. If a majority of those
11 voting on the question does not favor participation, the
12 district shall not participate in the program.

13 Sec. 10. Section 260C.28, subsection 3, Code 1999, is
14 amended to read as follows:

15 3. If the board of directors wishes to certify for a levy
16 under subsection 2, the board shall direct the county
17 commissioner of elections to ~~call-an-election-to~~ submit the
18 question of such authorization for the board at a the next
19 following regular city election or ~~special-election~~ the next
20 general election. If a majority of those voting on the
21 question at the election favors authorization of the board to
22 make such a levy, the board may certify for a levy as provided
23 under subsection 2 during each of the ten years following the
24 election. If a majority of those voting on the question at
25 the election does not favor authorization of the board to make
26 a levy under subsection 2, the board shall not submit the
27 question to the voters again until three hundred fifty-five
28 days have elapsed from the election.

29 Sec. 11. Section 277.2, Code 1999, is amended to read as
30 follows:

31 277.2 SPECIAL ELECTION.

32 The board of directors in a school corporation may call a
33 special election at which the voters shall have the powers
34 exercised at the regular election with reference to the sale
35 of school property and the application to be made of the

1 proceeds, the authorization of seven members on the board of
2 directors, and the authorization to establish or change the
3 boundaries of director districts, ~~and the authorization of a~~
4 ~~voter-approved physical plant and equipment levy or~~
5 ~~indebtedness, as provided by law.~~

6 A proposition authorizing the issuance of bonds or other
7 indebtedness, or the imposition of, or increase in, a voter-
8 approved property tax levy, local option sales tax, or local
9 income surtax, by a school corporation may only be placed on
10 the ballot at the regular city election or the general
11 election.

12 Sec. 12. Section 279.39, Code 1999, is amended to read as
13 follows:

14 279.39 SCHOOL BUILDINGS.

15 The board of any school corporation shall establish
16 attendance centers and provide suitable buildings for each
17 school in the district and may at the regular or a special
18 meeting ~~call a special election~~ direct the county commissioner
19 of elections to submit to the registered voters of the
20 district the question of voting a tax or authorizing the board
21 to issue bonds, or both, at the next following regular city
22 election or at the next general election.

23 Sec. 13. Section 279.53, subsection 2, Code 1999, is
24 amended to read as follows:

25 2. The board shall determine the additional enrichment
26 amount needed for an asbestos project, within the limits of
27 this section, and shall direct the county commissioner of
28 elections to submit the question of whether to raise that
29 amount under this section and section 279.54 for a period not
30 exceeding five years, to the registered voters of the school
31 district at a the regular school city election or the general
32 election held during September November of the base year ~~or at~~
33 ~~a special election held not later than February 15 of the base~~
34 ~~year or February 15, 1995, whichever is earlier.~~ Only one
35 election on the question shall be held during a twelve-month

1 period. If a majority of those voting on the question favors
2 raising the additional enrichment amount for an asbestos
3 project, the board may include the approved amount in its
4 certified budget.

5 Sec. 14. Section 298.9, Code 1999, is amended to read as
6 follows:

7 298.9 SPECIAL LEVIES.

8 If the voter-approved physical plant and equipment levy,
9 consisting solely of a physical plant and equipment property
10 tax levy, is voted at ~~a-special~~ the regular city election or
11 at the general election and certified to the board of
12 supervisors after the regular levy is made, the board shall at
13 its next regular meeting levy the tax and cause it to be
14 entered upon the tax list to be collected as other school
15 taxes. If the certification is filed prior to May 1, the
16 annual levy shall begin with the tax levy of the year of
17 filing. If the certification is filed after May 1 in a year,
18 the levy shall begin with the levy of the fiscal year
19 succeeding the year of the filing of the certification.

20 Sec. 15. Section 298.18, unnumbered paragraphs 4 and 6,
21 Code 1999, are amended to read as follows:

22 The amount estimated and certified to apply on principal
23 and interest for any one year may exceed two dollars and
24 seventy cents per thousand dollars of assessed value by the
25 amount approved by the voters of the school corporation, but
26 not exceeding four dollars and five cents per thousand of the
27 assessed value of the taxable property within any school
28 corporation, provided that the qualified registered voters of
29 such the school corporation have first approved such the
30 increased amount at ~~a-special-election, which may be held at~~
31 ~~the same time as~~ the next following regular school city
32 election or at the next general election. The proposition
33 submitted to the voters at such special election shall be in
34 substantially the following form:

35 Notice of the election shall be given by the county

1 commissioner of elections according to section 49.53. The
2 ~~election shall be held on a date~~ notice must be published not
3 less than four nor more than twenty days ~~after the last~~
4 ~~publication of the notice~~ before the election. At such the
5 regular city election the ballot used for the submission of
6 ~~said the~~ proposition shall be in substantially the form for
7 submitting special questions at general elections. ~~The county~~
8 ~~commissioner of elections shall conduct the election pursuant~~
9 ~~to the provisions of chapters 39 to 53 and certify the results~~
10 ~~to the board of directors.~~ ~~Such~~ The proposition shall not be
11 deemed ~~carried or~~ adopted unless the vote in favor of ~~such the~~
12 proposition is equal to at least sixty percent of the total
13 vote cast for and against ~~said the~~ proposition at ~~said the~~
14 election. Whenever such a proposition has been approved by
15 the voters of a school corporation as ~~hereinbefore~~ provided in
16 this section, no further approval of the voters of ~~such the~~
17 school corporation shall be required as a result of any
18 subsequent change in the boundaries of ~~such the~~ school
19 corporation.

20 Sec. 16. Section 298.18A, subsection 2, Code 1999, is
21 amended to read as follows:

22 2. The adjustment shall not result in a total amount
23 levied in excess of the two dollar and seventy cent per
24 thousand dollars of assessed valuation limit provided in
25 section 298.18. An adjustment in excess of the two dollar and
26 seventy cent per thousand dollars of assessed valuation limit
27 shall be subject to the ~~special~~ election provisions for
28 increases of up to four dollars and five cents per thousand
29 dollars of assessed valuation provisions of section 298.18.

30 Sec. 17. Section 298.21, unnumbered paragraph 1, Code
31 1999, is amended to read as follows:

32 The board of directors of any school corporation when
33 authorized by the voters at the regular city election or at a
34 ~~special~~ the general election ~~called for that purpose,~~ may
35 issue the negotiable, interest-bearing school bonds of said

1 corporation for borrowing money for any or all of the
2 following purposes:

3 Sec. 18. Section 300.2, unnumbered paragraphs 1 and 2,
4 Code 1999, are amended to read as follows:

5 The board of directors of a school district may, and upon
6 receipt of a petition signed by eligible electors equal in
7 number to at least twenty-five percent of the number of voters
8 at the last preceding school election, shall, direct the
9 county commissioner of elections to submit to the registered
10 voters of the school district the question of whether to levy
11 a tax of not to exceed thirteen and one-half cents per
12 thousand dollars of assessed valuation for public educational
13 and recreational activities authorized under this chapter. ~~If~~
14 ~~at-the-time-of-filing-the-petition, it is more than three~~
15 ~~months until the next regular school election, the~~ The board
16 of directors shall submit the question at ~~a special election~~
17 ~~within sixty days~~ the next following regular city election or
18 the next general election. ~~Otherwise, the question shall be~~
19 ~~submitted at the next regular school election.~~

20 If a majority of the votes cast upon the proposition is in
21 favor of the proposition, the board shall certify the amount
22 required for a fiscal year to the county board of supervisors
23 by April 15 of the ~~preceding~~ following fiscal year. The board
24 of supervisors shall levy the amount certified. The amount
25 shall be placed in the public education and recreation levy
26 fund of the district and shall be used only for the purposes
27 specified in this chapter.

28 Sec. 19. Section 331.301, subsection 10, paragraph e,
29 subparagraph (2), subparagraph subdivisions (a) and (b), Code
30 1999, are amended to read as follows:

31 (a) The board must institute proceedings for entering into
32 a lease or lease-purchase contract payable from the general
33 fund by causing a notice of the meeting to discuss entering
34 into the lease or lease-purchase contract, including a
35 statement of the principal amount and purpose of the lease or

1 lease-purchase and the right to petition for ~~an~~ the
2 proposition to be submitted at election, to be published as
3 provided in section 331.305 at least ten days prior to the
4 discussion meeting. No sooner than thirty days following the
5 discussion meeting shall the board hold a meeting at which it
6 is proposed to take action to enter into the lease or lease-
7 purchase contract.

8 (b) If at any time before the end of the thirty-day period
9 after which a meeting may be held to take action to enter into
10 the lease or lease-purchase contract, a petition is filed with
11 the auditor in the manner provided by section 331.306, asking
12 that the question of entering into the lease or lease-purchase
13 contract be submitted to the registered voters of the county,
14 the board shall either by resolution declare the proposal to
15 enter into the lease or lease-purchase contract to have been
16 abandoned or shall direct the county commissioner of elections
17 to ~~call-a-special-election-upon~~ submit the question of
18 entering into the lease or lease-purchase contract at the next
19 following general election. However, for purposes of this
20 subparagraph, the petition shall not require signatures in
21 excess of one thousand persons. The question to be placed on
22 the ballot shall be stated affirmatively in substantially the
23 following manner: Shall the county of enter into a lease
24 or lease-purchase contract in an amount of \$.... for the
25 purpose of? ~~Notice-of-the-election-and-its-conduct-shall~~
26 ~~be-in-the-manner-provided-in-section-331-4427-subsections-2~~
27 ~~through-4.~~

28 Sec. 20. Section 331.402, subsection 3, paragraph d,
29 subparagraph (2), subparagraph subdivisions (a) and (b), Code
30 1999, are amended to read as follows:

31 (a) The board must institute proceedings for entering into
32 a loan agreement payable from the general fund by causing a
33 notice of the meeting to discuss entering into the loan
34 agreement, including a statement of the principal amount and
35 purpose of the loan agreement and the right to petition for ~~an~~

1 the proposition to be submitted at election, to be published
2 as provided in section 331.305 at least ten days prior to the
3 discussion meeting. No sooner than thirty days following the
4 discussion meeting shall the board hold a meeting at which it
5 is proposed to take action to enter into the loan agreement.

6 (b) If at any time before the end of the thirty-day period
7 after which a meeting may be held to take action to enter into
8 the loan agreement, a petition is filed with the auditor in
9 the manner provided by section 331.306 asking that the
10 question of entering into the loan agreement be submitted to
11 the registered voters of the county, the board shall either by
12 resolution declare the proposal to enter into the loan
13 agreement to have been abandoned or shall direct the county
14 commissioner of elections to ~~call a special election upon~~
15 submit the question of entering into the loan agreement at the
16 next following general election. However, for purposes of
17 this subparagraph, the petition shall not require signatures
18 in excess of one thousand persons. The question to be placed
19 on the ballot shall be stated affirmatively in substantially
20 the following manner: Shall the county of enter into a
21 loan agreement in amount of \$.... for the purpose of?
22 Notice of the election and its conduct shall be in the manner
23 provided in section 331.442, subsections 2 through 4.

24 Sec. 21. Section 331.441, subsection 2, paragraph b,
25 subparagraph (7), Code 1999, is amended to read as follows:

26 (7) Enlargement and improvement of a county hospital
27 acquired and operated under chapter 347A, subject to a maximum
28 of two percent of the assessed value of the taxable property
29 in the county. However, notice of the proposed bond issue
30 shall be published once each week for two consecutive weeks
31 and if, within twenty days following the date of the first
32 publication, a petition requesting ~~an election~~ on the proposal
33 be submitted at election and signed by qualified voters of the
34 county equal to at least twenty percent of the votes cast at
35 the preceding election for governor is filed with the county

1 auditor, the proposal is subject to the election requirements
2 in section 331.442, subsections 2, 3 and 4 for general county
3 purpose bonds.

4 Sec. 22. Section 331.441, subsection 2, paragraph b,
5 subparagraph (12), subparagraph subdivision (b), Code 1999, is
6 amended to read as follows:

7 (b) ~~General~~ The proposition to issue general obligation
8 bonds for the purposes described in this subparagraph are is
9 subject to an election held in the manner provided in section
10 331.442, subsections 1 through 4, if not later than fifteen
11 days following the action by the county board of supervisors,
12 eligible voters file a petition with the county commissioner
13 of elections asking that the question of issuing the bonds be
14 submitted to the registered voters of the special service area
15 tax district. The petition must be signed by at least five
16 percent of the registered voters residing in the special
17 service area tax district. If the petition is duly filed
18 within the fifteen days, the board of supervisors shall either
19 adopt a resolution declaring that the proposal to issue the
20 bonds is abandoned, or direct the county commissioner of
21 elections to ~~call-a-special~~ submit the proposition at the next
22 following general election ~~within-a-special-service-area-tax~~
23 ~~district-upon-the-question-of-issuing-the-bonds.~~

24 Sec. 23. Section 331.441, subsection 2, paragraph c,
25 subparagraph (3), Code 1999, is amended to read as follows:

26 (3) The building and maintenance of a bridge over state
27 boundary line streams. The board shall submit a proposition
28 under this subparagraph to an election at the next following
29 general election upon receipt of a petition which is valid
30 under section 331.306.

31 Sec. 24. Section 331.442, subsection 2, unnumbered
32 paragraph 1, Code 1999, is amended to read as follows:

33 Before the board may institute proceedings for the issuance
34 of bonds for a general county purpose, it shall ~~call-a-county~~
35 ~~special-election-to-vote-upon~~ submit the question of issuing

1 the bonds to the voters at the next following general
2 election. At the election the proposition shall be submitted
3 in the following form:

4 Sec. 25. Section 331.442, subsection 3, Code 1999, is
5 amended to read as follows:

6 3. Notice of the election ballot measure shall be given by
7 publication as specified in section 331.305. ~~At-the-election~~
8 ~~the-ballot-used-for-the-submission-of-the-proposition-shall-be~~
9 ~~in-substantially-the-form-for-submitting-special-questions-at~~
10 ~~general-elections-~~

11 Sec. 26. Section 331.442, subsection 5, paragraph a,
12 unnumbered paragraph 1, Code 1999, is amended to read as
13 follows:

14 Notwithstanding subsection 2, a board, in lieu of ~~calling~~
15 ~~an~~ submitting the proposition at election, may institute
16 proceedings for the issuance of bonds for a general county
17 purpose by causing a notice of the proposal to issue the
18 bonds, including a statement of the amount and purpose of the
19 bonds, and the right to petition for an election, to be
20 published as provided in section 331.305 at least ten days
21 prior to the meeting at which it is proposed to take action
22 for the issuance of the bonds subject to the following
23 limitations:

24 Sec. 27. Section 331.442, subsection 5, paragraph b, Code
25 1999, is amended to read as follows:

26 b. If at any time before the date fixed for taking action
27 for the issuance of the bonds, a petition is filed with the
28 auditor in the manner provided by section 331.306 asking that
29 the question of issuing the bonds be submitted to the
30 registered voters of the county, the board shall either by
31 resolution declare the proposal to issue the bonds to have
32 been abandoned or shall direct the county commissioner of
33 elections to ~~call-a-special-election-upon~~ submit the question
34 of issuing the bonds at the next following general election.
35 Notice of the ~~election-and-its-conduct~~ ballot measure shall be

1 in the manner provided in subsections 2, 3, and 4.

2 Sec. 28. Section 331.447, subsection 1, paragraph b, Code
3 1999, is amended to read as follows:

4 b. The amount estimated and certified to apply on
5 principal and interest for any one year may only exceed the
6 statutory rate of levy limit, if any, by the amount that the
7 registered voters of the county have approved at ~~a special~~
8 ~~election, which may be held at the same time as the next~~
9 following general election and may be included in the
10 proposition authorizing the issuance of bonds, if an election
11 on the proposition is necessary, or may be submitted as a
12 separate proposition at the same election or at a different
13 election. Notice of the election ballot measure shall be
14 given as specified in section 331.305. If the proposition
15 includes issuing bonds and increasing the levy limit, it shall
16 be in substantially the following form:

17 Sec. 29. Section 346.27, subsection 10, Code 1999, is
18 amended to read as follows:

19 10. After the incorporation of an authority, and before
20 the sale of any issue of revenue bonds, except refunding
21 bonds, the authority shall submit ~~in a single countywide~~
22 ~~election~~ to the registered voters of the city and county, at a
23 the next following general, ~~primary, or special~~ election
24 ~~called for that purpose,~~ the question of whether an authority
25 shall issue and sell revenue bonds, stating the amount, for
26 any of the purposes for which it is incorporated. An
27 affirmative vote of a majority of the votes cast on the
28 proposition is required to authorize the issuance and sale of
29 revenue bonds. A notice of the election shall be published
30 once each week for at least two weeks in some newspaper
31 published in the county. The notice shall name the time when
32 the question shall be submitted, and a copy of the question to
33 be submitted shall be posted at each polling place during the
34 day of election. ~~The authority shall call this election with~~
35 ~~the concurrence of both incorporating units, and it shall~~

1 ~~establish-the-voting-precincts-and-polling-places,-and-appoint~~
2 ~~the-election-judges,-and-in-so-doing-such-election-procedures~~
3 ~~shall-be-in-accordance-with-the-provisions-of-chapters-49-and~~
4 ~~50-~~

5 Sec. 30. Section 347.13, subsection 13, unnumbered
6 paragraph 1, Code 1999, is amended to read as follows:

7 Submit to the voters at ~~any-regular-or-special~~ the next
8 following general election a proposition to sell or lease any
9 sites and buildings, excepting those described in subsection
10 12 hereof, and upon such proposition being carried by a
11 majority of the total number of votes cast at such election,
12 may proceed to sell such property at either public or private
13 sale, and apply the proceeds only for:

14 Sec. 31. Section 347.14, subsection 15, unnumbered
15 paragraph 1, Code 1999, is amended to read as follows:

16 Submit to the voters at ~~a-regular-or-special~~ the next
17 following general election a proposition to sell or lease a
18 county public hospital for use as a private hospital or as a
19 merged area hospital under chapter 145A or to sell or lease a
20 county hospital in conjunction with the establishment of a
21 merged area hospital. The authorization of the board of
22 hospital trustees submitting the proposition may, but is not
23 required to, contain conditions which provide for maintaining
24 hospital care within the county, for the retention of county
25 public hospital employees and staff, and for the continuation
26 of the board of trustees for the purpose of carrying out
27 provisions of contracts. The property listed in section
28 347.13, subsection 12, may be included in the proposition, but
29 the proceeds from the property shall be used for the purposes
30 listed in section 347.13, subsection 13, or for the purpose of
31 providing health care for residents of the county. Proceeds
32 from the sale or lease of the county hospital or other assets
33 of the board of trustees shall not be used for the prepayment
34 of health care services for residents of the county with the
35 purchaser or lessee of the county hospital or to underwrite

1 the sale or lease of the county hospital. The proposition
2 submitted to the voters of the county shall not be set forth
3 at length, but it shall be in substantially the following
4 form:

5 Sec. 32. Section 347.23A, subsection 1, Code 1999, is
6 amended to read as follows:

7 1. A hospital established as a memorial hospital under
8 chapter 37 or a county hospital supported by revenue bonds and
9 organized under chapter 347A may become, in accordance with
10 the provisions of this section, a county hospital organized
11 and managed as provided for in this chapter. If the hospital
12 is established by a city as a memorial hospital, the city must
13 be located in the county which will own and manage the
14 hospital. A proposition for the change must be submitted to
15 and approved by a majority of the electors of the county which
16 will own and manage the hospital as provided for in this
17 chapter. In addition, if the hospital is a memorial hospital
18 organized by a city under chapter 37, the proposition must
19 also be approved by a majority of the electors of that city.
20 The proposition may be submitted to the electors at any the
21 ~~general or-special election called-by-the-county-board-of~~
22 ~~supervisors-for-this-purpose.~~

23 Sec. 33. Section 364.4, subsection 4, paragraph e,
24 subparagraph (2), subparagraph subdivision (b), Code 1999, is
25 amended to read as follows:

26 (b) If at any time before the end of the thirty-day period
27 after which a meeting may be held to take action to enter into
28 the lease or lease-purchase contract, a petition is filed with
29 the clerk of the city in the manner provided by section 362.4,
30 asking that the question of entering into the lease or lease-
31 purchase contract be submitted to the registered voters of the
32 city, the governing body shall either by resolution declare
33 the proposal to enter into the lease or lease-purchase
34 contract to have been abandoned or shall direct the county
35 commissioner of elections to ~~call-a-special-election-upon~~

1 submit the question of entering into the lease or lease-
2 purchase contract at the next following regular city election
3 or the next following general election. However, for purposes
4 of this subparagraph, the petition shall not require
5 signatures in excess of one thousand persons. The question to
6 be placed on the ballot shall be stated affirmatively in
7 substantially the following manner: Shall the city of
8 enter into a lease or lease-purchase contract in amount of
9 \$.... for the purpose of? Notice of the election-and-its
10 conduct ballot measure shall be in the manner provided in
11 section 384.26, subsections 2 through 4.

12 Sec. 34. Section 384.12, subsections 5 and 6, Code 1999,
13 are amended to read as follows:

14 5. A tax to aid in the construction of a county bridge,
15 subject to the provisions of subsection 17-~~except-that-the~~
16 ~~question-must-be-submitted-at-a-special-election~~. The-expense
17 ~~of-a-special-election-under-this-subsection-must-be-paid-by~~
18 ~~the-county~~. The notice of the ~~special-election~~ ballot measure
19 must include full details of the proposal, including the
20 location of the proposed bridge, the rate of tax to be levied,
21 and all other conditions.

22 6. A tax to aid a company incorporated under the laws of
23 this state in the construction of a highway or combination
24 bridge across any navigable boundary river of this state,
25 commencing or terminating in the city and suitable for use as
26 highway, or for both highway and railway purposes. This tax
27 levy is subject to the provisions of subsections 1 and 5. The
28 levy is limited to one dollar and thirty-five cents per
29 thousand dollars of the assessed value of taxable property in
30 the city. The estimated cost of the bridge must be at least
31 ten thousand dollars, and the city aid may not exceed one-half
32 of the estimated cost. The notice of the ~~special-election~~
33 ballot measure must include the name of the corporation to be
34 aided, and all conditions required of the corporation. Tax
35 moneys received for this purpose may not be paid over by the

1 county treasurer until the city has filed a statement that the
2 corporation has complied with all conditions.

3 Sec. 35. Section 384.12, subsection 9, unnumbered
4 paragraph 1, Code 1999, is amended to read as follows:

5 A tax for aid to a public transportation company, subject
6 to the procedure provided in subsection 1, ~~except the question~~
7 ~~must be submitted at a special election~~. The levy is limited
8 to three and three-eighths cents per thousand dollars of
9 assessed value. In addition to any other conditions the
10 following requirements must be met before moneys received for
11 this purpose may be paid over by the county treasurer:

12 Sec. 36. Section 384.12, subsection 20, Code 1999, is
13 amended to read as follows:

14 20. a. A Authorization for the next two fiscal years to
15 levy a tax that exceeds any tax levy limit within this
16 chapter, provided the question has been submitted at a special
17 levy election the regular city election held in the calendar
18 year prior to July 1 of the first of the two fiscal years and
19 received a simple majority of the votes cast on the
20 proposition to authorize the enumerated levy limit to be
21 exceeded for the proposed budget year.

22 ~~a.---The election may be held as specified in this~~
23 ~~subsection if notice is given by the city council, not later~~
24 ~~than thirty-two days before the second Tuesday in March, to~~
25 ~~the county commissioner of elections that the election is to~~
26 ~~be held.~~

27 ~~b.---An election under this subsection shall be held on the~~
28 ~~second Tuesday in March and be conducted by the county~~
29 ~~commissioner of elections in accordance with the law.~~

30 c. b. The ballot question shall be in substantially the
31 following form:

32 WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY OF?

33 (Vote for only one of the following choices.)

34 CHANGE LEVY AMOUNT

35 Add to the existing levy amount a tax for the purpose of

1 (state purpose of proposed levy) at a rate of ...
2 (rate) which will provide an additional \$.... (amount).

3 KEEP CURRENT LEVY

4 Continue under the current maximum rate of ..., providing
5 \$.... (amount).

6 ~~d~~ c. The commissioner of elections conducting the
7 election shall notify the city officials and other county
8 auditors where applicable, of the results within two days of
9 the canvass which shall be held beginning at one o'clock on
10 the second day following the ~~special-levy~~ election.

11 ~~e~~ d. Notice of the ~~election~~ ballot measure shall be
12 published twice in accordance with the provisions of section
13 362.3, except that the first such notice shall be given at
14 least two weeks before the election.

15 ~~f~~ --~~The cost of the election shall be borne by the city.~~

16 ~~g~~ --~~The election provisions of this subsection shall~~
17 ~~supersede other provisions for elections only to the extent~~
18 ~~necessary to comply with the provisions hereof.~~

19 ~~h~~ e. The provisions of this subsection apply to all
20 cities, however organized, including special charter cities
21 which may adopt ordinances where necessary to carry out these
22 provisions.

23 ~~i~~ f. The council shall certify the city's budget with the
24 tax askings not exceeding the amount approved by the ~~special~~
25 ~~levy~~ election.

26 Sec. 37. Section 384.24A, subsection 4, paragraph b,
27 subparagraph (2), Code 1999, is amended to read as follows:

28 (2) If at any time before the end of the thirty-day period
29 after which a meeting may be held to take action to enter into
30 the loan agreement, a petition is filed with the clerk of the
31 city in the manner provided by section 362.4, asking that the
32 question of entering into the loan agreement be submitted to
33 the registered voters of the city, the governing body shall
34 either by resolution declare the proposal to enter into the
35 loan agreement to have been abandoned or shall direct the

1 county commissioner of elections to ~~call-a-special-election~~
2 upon submit the question of entering into the loan agreement
3 at the next following regular city election or the next
4 following general election. However, for purposes of this
5 paragraph, the petition shall not require signatures in excess
6 of one thousand persons. The question to be placed on the
7 ballot shall be stated affirmatively in substantially the
8 following manner: Shall the city of enter into a loan
9 agreement in amount of \$.... for the purpose of? Notice
10 of the ~~election-and-its-conduct~~ ballot measure shall be in the
11 manner provided in section 384.26, subsections 2 through 4.

12 Sec. 38. Section 384.26, subsection 2, unnumbered
13 paragraph 1, Code 1999, is amended to read as follows:

14 Before the council may institute proceedings for the
15 issuance of bonds for a general corporate purpose, it shall
16 ~~call-a-special-city-election-to-vote-upon~~ submit the question
17 of issuing the bonds to the voters at the next following
18 regular city election or the next general election. At the
19 election the proposition must be submitted in the following
20 form:

21 Sec. 39. Section 384.26, subsection 3, Code 1999, is
22 amended to read as follows:

23 3. Notice of the ~~election~~ ballot measure must be given by
24 publication as required by section 49.53 in a newspaper of
25 general circulation in the city. At the election the ballot
26 used for the submission of the proposition must be in
27 substantially the form for submitting special questions at
28 general elections.

29 Sec. 40. Section 384.26, subsection 5, paragraph a,
30 unnumbered paragraph 1, Code 1999, is amended to read as
31 follows:

32 Notwithstanding the provisions of subsection 2, a council
33 may, in lieu of ~~calling-an~~ submitting the proposition at
34 election, institute proceedings for the issuance of bonds for
35 a general corporate purpose by causing a notice of the

1 proposal to issue the bonds, including a statement of the
2 amount and purpose of the bonds, together with the maximum
3 rate of interest which the bonds are to bear, and the right to
4 petition for an election, to be published at least once in a
5 newspaper of general circulation within the city at least ten
6 days prior to the meeting at which it is proposed to take
7 action for the issuance of the bonds subject to the following
8 limitations:

9 Sec. 41. Section 384.26, subsection 5, paragraph b, Code
10 1999, is amended to read as follows:

11 b. If at any time before the date fixed for taking action
12 for the issuance of the bonds, a petition is filed with the
13 clerk of the city in the manner provided by section 362.4,
14 asking that the question of issuing the bonds be submitted to
15 the registered voters of the city, the council shall either by
16 resolution declare the proposal to issue the bonds to have
17 been abandoned or shall direct the county commissioner of
18 elections to ~~call-a-special-election-upon~~ submit the question
19 of issuing the bonds at the next following regular city
20 election or the next following general election. Notice of
21 the ~~election-and-its-conduct~~ ballot measure shall be in the
22 manner provided in the preceding subsections of this section.

23 Sec. 42. Section 384.84A, subsection 2, unnumbered
24 paragraph 1, Code 1999, is amended to read as follows:

25 If, before the date fixed for taking action to authorize
26 the issuance of revenue bonds for the storm water drainage
27 construction project, a petition signed by three percent of
28 the registered voters of the city, asking that the question of
29 issuing revenue bonds for the storm water drainage
30 construction project be submitted to the registered voters of
31 the city, the council, by resolution, shall declare the
32 project abandoned or shall direct the county commissioner of
33 elections to ~~call-a-special-election-upon~~ submit the question
34 of issuing the bonds for the storm water drainage construction
35 project at the next following regular city election if the

1 cost of the project and population of the city meet one of the
2 following criteria:

3 Sec. 43. Section 422A.1, unnumbered paragraph 3, Code
4 1999, is amended to read as follows:

5 A city or county shall impose a hotel and motel tax or
6 increase the tax rate, only after an election at which a
7 majority of those voting on the question favors imposition or
8 increase. However, a hotel and motel tax shall not be
9 repealed or reduced in rate if obligations are outstanding
10 which are payable as provided in section 422A.2, unless funds
11 sufficient to pay the principal, interest, and premium, if
12 any, on the outstanding obligations at and prior to maturity
13 have been properly set aside and pledged for that purpose.
14 ~~The election shall be held at the time of that city's or~~
15 ~~county's general election or at the time of a special~~
16 ~~election.~~ For a city, the question shall be placed on the
17 ballot at the regular city election. For a county, the
18 question shall be placed on the ballot at the general
19 election.

20 Sec. 44. Section 422A.2, subsection 4, paragraph f,
21 unnumbered paragraphs 1 and 2, Code 1999, are amended to read
22 as follows:

23 A city or county acting on behalf of an unincorporated area
24 may, in lieu of calling ~~an~~ for the question to be placed on
25 the ballot at election, institute proceedings for the issuance
26 of bonds under this section by causing a notice of the
27 proposal to issue the bonds, including a statement of the
28 amount and purpose of the bonds, together with the maximum
29 rate of interest which the bonds are to bear, and the right to
30 petition for an election, to be published at least once in a
31 newspaper of general circulation within the city or
32 unincorporated area at least ten days prior to the meeting at
33 which it is proposed to take action for the issuance of the
34 bonds.

35 If at any time before the date fixed for taking action for

1 the issuance of the bonds, a petition signed by three percent
2 of the registered voters of the city or unincorporated area,
3 asking that the question of issuing the bonds be submitted to
4 the registered voters of the city or unincorporated area, the
5 council or board of supervisors acting on behalf of an
6 unincorporated area shall either by resolution declare the
7 proposal to issue the bonds to have been abandoned or shall
8 direct the county commissioner of elections to ~~call-a-special~~
9 ~~election-upon~~ submit the question of issuing the bonds to the
10 voters. For a city, the question shall be placed on the
11 ballot at the next following regular city election or the next
12 following general election. For a county, the question shall
13 be placed on the ballot at the next following general
14 election.

15 Sec. 45. Section 422B.1, subsection 5, Code 1999, is
16 amended to read as follows:

17 5. The county commissioner of elections shall submit the
18 question of imposition of a local option tax at ~~a-state~~ the
19 ~~general election or-at-a-special-election-held-at-any-time~~
20 ~~other-than-the-time-of-a-city-regular-election.~~ ~~The-election~~
21 ~~shall-not-be-held-sooner-than-sixty-days-after-publication-of~~
22 ~~notice-of-the-ballot-proposition.~~ Notice of the proposition
23 on the ballot shall be published at least sixty days before
24 the election. The ballot proposition shall specify the type
25 and rate of tax and in the case of a vehicle tax the classes
26 that will be exempt and in the case of a local sales and
27 services tax the date it will be imposed. The ballot
28 proposition shall also specify the approximate amount of local
29 option tax revenues that will be used for property tax relief
30 and shall contain a statement as to the specific purpose or
31 purposes for which the revenues shall otherwise be expended.
32 If the county board of supervisors decides under subsection 6
33 to specify a date on which the local option sales and services
34 tax shall automatically be repealed, the date of the repeal
35 shall also be specified on the ballot. The rate of the

1 vehicle tax shall be in increments of one dollar per vehicle
2 as set by the petition seeking to impose the tax. The rate of
3 a local sales and services tax shall not be more than one
4 percent as set by the governing body. The state commissioner
5 of elections shall establish by rule the form for the ballot
6 proposition which form shall be uniform throughout the state.

7 Sec. 46. Section 422B.12, subsection 4, paragraph a,
8 unnumbered paragraph 2, Code 1999, is amended to read as
9 follows:

10 If at any time before the date fixed for taking action for
11 the issuance of the bonds, a petition signed by three percent
12 of the registered voters of the bond issuer is filed, asking
13 that the question of issuing the bonds be submitted to the
14 registered voters, the governing body shall either by
15 resolution declare the proposal to issue the bonds to have
16 been abandoned or shall direct the county commissioner of
17 elections to ~~call-a-special-election-upon~~ submit the question
18 of issuing the bonds to the voters. For a city, the question
19 shall be placed on the ballot at the next following regular
20 city election or the next following general election. For a
21 county, the question shall be placed on the ballot at the next
22 following general election. The proposition of issuing bonds
23 under this subsection is not approved unless the vote in favor
24 of the proposition is equal to at least sixty percent of the
25 vote cast. If a petition is not filed, or if a petition is
26 filed and the proposition of issuing the bonds is approved at
27 an election, the governing body acting on behalf of the issuer
28 may proceed with the authorization and issuance of the bonds.
29 Bonds may be issued for the purpose of refunding outstanding
30 and previously issued bonds under this subsection without
31 otherwise complying with the provisions of this subsection.

32 Sec. 47. Section 422D.1, subsection 2, unnumbered
33 paragraph 1, Code 1999, is amended to read as follows:

34 The taxes for emergency medical services shall only be
35 imposed after an election at which a majority of those voting

1 on the question of imposing the tax or combination of taxes
2 specified in subsection 1, paragraph "a" or "b", vote in favor
3 of the question. However, the tax or combination of taxes
4 specified in subsection 1 shall not be imposed on property
5 within or on residents of a benefited emergency medical
6 services district under chapter 357F. The question of
7 imposing the tax or combination of the taxes may be submitted
8 at the regular city election, ~~a special election~~, or state the
9 general election. Notice of the question shall be provided by
10 publication at least sixty days before the time of the
11 election and shall identify the tax or combination of taxes
12 and the rate or rates, as applicable. If a majority of those
13 voting on the question approve the imposition of the tax or
14 combination of taxes, the tax or combination of taxes shall be
15 imposed as follows:

16 Sec. 48. Section 422E.2, subsection 2, paragraph a, Code
17 1999, is amended to read as follows:

18 a. Upon receipt by a county board of supervisors of a
19 petition requesting imposition of a local sales and services
20 tax for infrastructure purposes, signed by eligible electors
21 of the whole county equal in number to five percent of the
22 persons in the whole county who voted at the last preceding
23 state general election, the board shall within thirty days
24 direct the county commissioner of elections to submit the
25 question of imposition of the tax to the registered voters of
26 the whole county at the next following general election.

27 Sec. 49. Section 422E.2, subsection 3, Code 1999, is
28 amended to read as follows:

29 3. The county commissioner of elections shall submit the
30 question of imposition of a local sales and services tax for
31 school infrastructure purposes at a state the general election
32 ~~or at a special election held at any time other than the time~~
33 ~~of a city regular election. The election shall not be held~~
34 ~~sooner than sixty days after publication of notice of the~~
35 ~~ballot proposition.~~ The ballot proposition shall be published

1 more than sixty days before the election. The ballot
2 proposition shall specify the rate of tax, the date the tax
3 will be imposed and repealed, and shall contain a statement as
4 to the specific purpose or purposes for which the revenues
5 shall be expended. The rate of tax shall not be more than one
6 percent as set by the county board of supervisors. The state
7 commissioner of elections shall establish by rule the form for
8 the ballot proposition which form shall be uniform throughout
9 the state.

10 Sec. 50. Section 422E.2, subsection 4, paragraph a, Code
11 1999, is amended to read as follows:

12 a. The tax may be repealed or the rate increased, but not
13 above one percent, or decreased after an election at which a
14 majority of those voting on the question of repeal or rate
15 change favored the repeal or rate change. The election at
16 which the question of repeal or rate change is offered shall
17 be called and held in the same manner and under the same
18 conditions as provided in this section for the election on the
19 imposition of the tax. ~~The election may be held at any time~~
20 ~~but not sooner than sixty days following publication of the~~
21 ~~ballot proposition.~~ The ballot proposition shall be published
22 more than sixty days before the election. However, the tax
23 shall not be repealed before it has been in effect for one
24 year.

25 Sec. 51. Section 422E.2, subsection 4, paragraph b,
26 unnumbered paragraph 1, Code 1999, is amended to read as
27 follows:

28 Within ten days of the election at which a majority of
29 those voting on the question favors the imposition, repeal, or
30 change in the rate of the tax, the county board of supervisors
31 shall give written notice to the director of revenue and
32 finance of the result of the election. ~~Election costs~~ The
33 costs of placing the question on the ballot at the election
34 shall be apportioned among school districts within the county
35 on a pro rata basis in proportion to the number of registered

1 voters in each school district and the total number of
2 registered voters in all of the school districts within the
3 county.

4 EXPLANATION

5 This bill allows a city, county, or school corporation to
6 submit certain ballot propositions to a vote of the people at
7 only the regular city election in November of odd-numbered
8 years or at the general election in November of even-numbered
9 years. The bill applies to propositions authorizing the
10 issuance of bonds or other indebtedness, or to propositions
11 imposing or increasing a voter-approved property tax levy or
12 local option sales tax. For cities and school corporations,
13 these ballot propositions may be placed on the ballot at the
14 regular city election or general election. For a county,
15 these propositions may be placed on the ballot at the general
16 election.

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