

association or any similar proposal is not in the best interests of the association, it may reject the tender offer or proposal. If the board of directors rejects any such tender offer or proposal, the board of directors has no obligation to facilitate, to remove any barriers to, or to refrain from impeding the tender offer or proposal. Consideration of any or all of the community interest factors is not a violation of the business judgment rule or of any duty of the director to the members, or a group of members, even if the director reasonably determines that a community interest factor or factors outweigh the financial or other benefits to the association or a member or group of members.

Sec. 6. Section 499.64, Code 2007, is amended to read as follows:
499.64 VOTE OF MEMBERS.

1. The board of directors of a cooperative association, upon ~~approving~~ recommending a plan of merger or consolidation ~~be approved by the members~~, shall, by motion or resolution, direct that the plan be submitted to a vote at a meeting of members, which may be either an annual or special meeting. The board of directors may condition its recommendation and submission of a plan of merger or consolidation to the members for approval under this section on any basis. Written notice shall be given not less than twenty days prior to the meeting, either personally or by mail to each voting member and shareholder of record. The notice shall state the time, place, and purpose of the meeting, and a summary of the plan of merger or consolidation shall be included in or enclosed with the notice.

2. At the meeting, a ballot of the members who are entitled to vote in the affairs of the association shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved ~~if as follows:~~

a. ~~Except as provided in paragraph "b", the proposed plan of merger or consolidation must be approved by a two-thirds vote of the members vote affirmatively on a ballot in which a majority of all voting members participate.~~

b. (1) If the cooperative association's articles of incorporation require approval by more than two-thirds of its members on a ballot in which a majority of all voting members participate, the proposed plan of merger or consolidation must be approved by the greater number as provided in the articles of incorporation.

(2) If the board of directors adopts additional conditions for the approval of the plan of merger or consolidation as provided in subsection 1, the additional conditions must be satisfied in order for the plan of merger or consolidation to be approved.

3. Voting by members may be by mail ballot notwithstanding any contrary provision in the articles of incorporation or bylaws.

Approved May 7, 2008

CHAPTER 1142

SCHOOL BUDGET ADJUSTMENTS

S.F. 2413

AN ACT relating to school budgets, including by providing for requests and applications submitted by school districts to the school budget review committee and documents submitted to other state agencies concerning school district finances, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.13, subsection 2, Code 2007, is amended to read as follows:

2. The board of directors of a school district that wishes to receive an on-time funding bud-

get adjustment shall adopt a resolution to receive the adjustment and notify the school budget review committee ~~by November 1, annually, but not earlier than November 1, as determined by the department of education.~~ The school budget review committee shall establish a modified allowable growth in an amount determined pursuant to subsection 1.

Sec. 2. Section 257.14, subsection 2, Code 2007, is amended to read as follows:

2. For the budget years commencing July 1, 2002, and July 1, 2003, if the department of management determines that the regular program district cost of a school district for a budget year is less than the total of the regular program district cost plus any adjustment added under this section for the base year for that school district, the school district shall be eligible to receive a budget adjustment for that district for that budget year up to an amount equal to the difference. The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment by ~~April~~ May 15, annually, and shall notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. 3. Section 257.14, subsection 3, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The board of directors of a school district that wishes to receive a budget adjustment pursuant to this subsection shall adopt a resolution to receive the budget adjustment by ~~April~~ May 15, annually, and shall notify the department of management of the adoption of the resolution and the amount of the budget adjustment to be received.

Sec. 4. MODIFIED ALLOWABLE GROWTH GRANTED FOR A CHANGE IN ACCOUNTING OR BUDGETING METHODS. Notwithstanding any provision in chapter 257 or title 289 of the Iowa administrative code to the contrary, this section applies to a school district, required to budget on the generally accepted accounting principles basis of budgeting beginning with fiscal year beginning July 1, 2006, and ending June 30, 2007.

1. a. If the school district determines that the amount of modified allowable growth granted for the change in accounting or budgeting methods was not adequate as provided in 289 IAC 6.5, the school district requested on March 10, 2008, modified allowable growth for the conversion to the generally accepted accounting principles basis of budgeting and the school district has been notified by the department of education that it is likely to have a negative unspent authorized budget on June 30, 2008, or June 30, 2009, and the school budget review committee has not previously considered a timely submitted request, the school district may make a request to the school budget review committee to grant additional modified allowable growth for purposes of increasing the amount of the school district's unspent balance. The request must include a verification from the school district's independent auditor of the amount by which the change to generally accepted accounting principles basis of budgeting contributed to the district's negative unspent authorized budget.

b. The school budget review committee must receive the request described in paragraph "a" on or before August 15, 2008.

2. Except as provided in subsection 1, the school budget review committee shall approve or disapprove the request using the same criteria as if the request had been submitted at its May 2006 regular meeting.

Sec. 5. ON-TIME FUNDING BUDGET ADJUSTMENTS. Notwithstanding any provision in chapter 257 or title 289 of the Iowa administrative code to the contrary, all of the following shall apply:

1. a. If the board of directors of a school district determines under section 257.6 that the school district's actual enrollment for the budget year beginning July 1, 2006, and ending June 30, 2007, was greater than its budget enrollment for the budget year, the district shall be eligible to receive an on-time funding budget adjustment as provided in section 257.13.

b. A school district that wishes to receive an on-time funding budget adjustment under paragraph "a" shall adopt a resolution to receive the adjustment and notify the school budget re-

view committee in the same manner as provided in section 257.13 and submit an application to the school budget review committee as provided in 289 IAC 7.4. The school budget review committee must receive the application on or before August 15, 2008.

c. Except as otherwise provided in paragraphs "a" and "b", the school budget review committee shall approve or disapprove the application using the same criteria as if the application had been submitted on November 1, 2006. However, the school budget review committee shall not approve a timely submitted application that it previously considered.

2. a. If the board of directors of a school district determines under section 257.6 that the school district's actual enrollment for the budget year beginning July 1, 2007, and ending June 30, 2008, was greater than its budget enrollment for the budget year, the district shall be eligible to receive an on-time funding budget adjustment as provided in section 257.13.

b. A school district that wishes to receive an on-time funding budget adjustment under paragraph "a" shall adopt a resolution to receive the adjustment and notify the school budget review committee in the same manner as provided in section 257.13 and submit an application to the school budget review committee as provided in 289 IAC 7.4. The school budget review committee must receive the application on or before August 15, 2008.

c. Except as otherwise provided in paragraphs "a" and "b", the school budget review committee shall approve or disapprove the application using the same criteria as if the application had been submitted on November 1, 2007. However, the school budget review committee shall not approve a timely submitted application that it previously considered.

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

Approved May 7, 2008

CHAPTER 1143

SPECULATIVE SHELL BUILDING PROPERTY TAX INCENTIVES

S.F. 2419

AN ACT relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 427.1, subsection 27, Code Supplement 2007, is amended to read as follows:

27. a. SPECULATIVE SHELL BUILDINGS OF CERTAIN ORGANIZATIONS. New construction of shell buildings by community development organizations, not-for-profit cooperative associations under chapter 499, or for-profit entities for speculative purposes or the portion of the value added to buildings being reconstructed or renovated by community development organizations, not-for-profit cooperative associations under chapter 499, or for-profit entities in order to become speculative shell buildings as provided in this subsection.

b. The exemption shall be for one of the following:

(1) The value added by new construction of a shell building or addition to an existing building or structure by a community development organization, not-for-profit cooperative association under chapter 499, or for-profit entity.