

option sales and services tax. If the fifty percent threshold required in section 423B.1, subsection 4, paragraph “b”, is met in a county by the March 10, 2009, deadline, then by March 15, 2009, or as soon as practicable, the county commissioner of elections shall publish notice of the ballot proposition concerning the imposition of the local option sales and services tax.

b. The petition method described in section 423B.1, subsection 4, paragraph “a”, for requesting the submission of the question of the imposition of a local option sales and services tax to the registered voters shall not apply under this Act.

3. Notwithstanding section 423B.1, subsection 5, and pursuant to section 39.2, subsection 4, the question of the imposition of a local option sales and services tax shall be submitted at an election held on March 3, 2009, if the February 3, 2009, deadline provided in subsection 2 of this section is met, and on May 5, 2009, if the March 10, 2009, deadline provided in subsection 2 of this section is met.

4. Notwithstanding section 423B.1, subsection 5, and section 423B.6, subsection 1, paragraph “a”, the imposition date for a local option sales and services tax approved at an election held pursuant to this Act, on March 3, 2009, shall be April 1, 2009, and the imposition date for a local option sales and services tax approved at an election held pursuant to this Act, on May 5, 2009, shall be July 1, 2009.

5. Notwithstanding section 423B.7, subsection 4, for a local option sales and services tax imposed pursuant to this Act, the three-year period referenced in section 423B.7, subsection 4, shall be the three-year period beginning July 1, 2004, and ending June 30, 2007. This subsection shall not apply to a city or the unincorporated area of a county that is imposing a local option sales and services tax on the effective date of this Act.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 2, 2009

CHAPTER 2

GENERAL COUNTY PURPOSE BONDS — NOTICE AND ELECTION PROCEDURES

S.F. 45

AN ACT relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

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

Section 1. Section 331.442, subsection 2, Code 2009, is amended to read as follows:

2. a. The board shall publish notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds and a statement of the estimated cost of the project for which the bonds are to be issued. The notice shall be published as provided in section 331.305 with the minutes of the meeting at which the board adopts a resolution to call a county special election to vote upon the question of issuing the bonds. The cost of the project, as published in the notice pursuant to this paragraph, is an estimate and is not intended to be binding on the board in later proceedings related to the project.

b. Before the board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a county special election to vote upon the question of issuing the bonds. At the election the proposition shall be submitted in the following form:

Shall the county of, state of Iowa, be authorized to (state purpose of project) at a total cost not exceeding \$ and issue its general obligation bonds in an amount not exceeding the amount of \$ for that the purpose of ?

Sec. 2. Section 331.447, subsection 1, paragraph b, Code 2009, is amended to read as follows:

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

Shall the county of, state of Iowa, be authorized to (here state purpose of project) at a total cost not exceeding \$ and issue its general obligation bonds in an amount not exceeding the amount of \$ for that purpose, and be authorized to levy annually a tax not exceeding dollars and cents per thousand dollars of the assessed value of the taxable property within the county to pay the principal of and interest on the bonds?

If the proposition includes only increasing the levy limit it shall be in substantially the following form:

Shall the county of, state of Iowa, be authorized to levy annually a tax not exceeding dollars and cents per thousand dollars of the assessed value of the taxable property within the county to pay principal and interest on the bonded indebtedness of the county for the purpose of ?

Sec. 3. VALIDATION AND RETROACTIVE APPLICABILITY — BOARD RESOLUTION.

1. If, on the effective date of this Act, the cost of a project authorized by ballot proposition that approved the issuance of county general obligation bonds at an election held prior to the effective date of this Act does not exceed one hundred ten percent of the project cost stated on the ballot proposition, the bond issuance amount and tax levy authorization as stated on the ballot and the increased cost of the project are hereby legalized and validated and, to that extent, this Act applies retroactively to the date of the election.

2. The board of supervisors of a county may proceed with a project under subsection 1 only after adoption of a resolution stating the project's compliance with the conditions of subsection 1 and the board's intention to proceed with the project.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 16, 2009