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STATE GOVERNMENT

HOUSE FILE 42
BY MILLAGE

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 42

1 Section 1. Section 28E.17, subsection 3, paragraph a, Code
2 2001, 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 regular city election or at the next general election. Notice
14 of the ~~election-and-its-conduct~~ ballot measure shall be in the
15 manner provided in section 384.26.

16 Sec. 2. Section 28E.22, unnumbered paragraph 1, Code 2001,
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 regular city election or the
26 next general election. In all other districts, the
27 proposition must be placed on the general election ballot.

28 The proposition shall provide for the establishment of a
29 public safety fund and the levy of a tax on taxable property
30 located in the district at rates not exceeding the rates
31 specified in this section for the purpose of providing
32 additional moneys for the operation of the district.

33 Sec. 3. Section 28E.39, unnumbered paragraph 1, Code 2001,
34 is amended to read as follows:

35 An agreement establishing a community cluster shall require

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

13 Sec. 4. Section 37.3, unnumbered paragraph 1, Code 2001,
14 is amended to read as follows:

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

20 Sec. 5. NEW SECTION. 39.26 CITY AND COUNTY REGULAR
21 ELECTIONS.

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

28 Sec. 6. Section 75.1, unnumbered paragraph 3, Code 2001,
29 is amended to read as follows:

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

1 ~~regular-or-special~~ the election.

2 Sec. 7. Section 174.17, subsection 1, paragraph b, Code
3 2001, is amended to read as follows:

4 b. If at any time before the date fixed for taking action
5 for the issuance of the bonds, a petition signed by three
6 percent of the registered voters of the county is filed with
7 the board of supervisors, asking that the question of issuing
8 the bonds be submitted to the registered voters, the board of
9 supervisors shall either by resolution declare the proposal to
10 issue the bonds to have been abandoned or shall direct the
11 county commissioner of elections to ~~call-a-special-election~~
12 upon submit the question of issuing the bonds at the next
13 general election. The proposition of issuing bonds under this
14 subsection is not approved unless the vote in favor of the
15 proposition is equal to at least sixty percent of the vote
16 cast. If a petition is not filed, or if a petition is filed
17 and the proposition of issuing the bonds is approved at an
18 election, the board of supervisors acting on behalf of the
19 society may proceed with the authorization and issuance of the
20 bonds. Bonds may be issued for the purpose of refunding
21 outstanding and previously issued bonds under this subsection
22 without otherwise complying with the provisions of this
23 subsection.

24 Sec. 8. Section 257.18, subsection 1, Code 2001, is
25 amended to read as follows:

26 1. An instructional support program that provides
27 additional funding for school districts is established. A
28 board of directors that wishes to consider participating in
29 the instructional support program shall hold a public hearing
30 on the question of participation. The board shall set forth
31 its proposal, including the method that will be used to fund
32 the program, in a resolution and shall publish the notice of
33 the time and place of a public hearing on the resolution.
34 Notice of the time and place of the public hearing shall be
35 published not less than ten nor more than twenty days before

1 the public hearing in a newspaper which is a newspaper of
2 general circulation in the school district. At the hearing,
3 or no later than thirty days after the date of the hearing,
4 the board shall take action to adopt a resolution to
5 participate in the instructional support program for a period
6 not exceeding five years or to direct the county commissioner
7 of elections to submit the question of participation in the
8 program for a period not exceeding ten years to the registered
9 voters of the school district at the next regular ~~school~~ city
10 election or at ~~a-special~~ the next general election. If the
11 board submits the question at an election and a majority of
12 those voting on the question favors participation in the
13 program, the board shall adopt a resolution to participate
14 beginning in the fiscal year following the year of the
15 election and shall certify the results of the election to the
16 department of management.

17 Sec. 9. Section 257.18, subsection 2, unnumbered paragraph
18 1, Code 2001, is amended to read as follows:

19 If the board does not provide for an election and adopts a
20 resolution to participate in the instructional support
21 program, the district shall participate in the instructional
22 support program unless within twenty-eight days following the
23 action of the board, the secretary of the board receives a
24 petition containing the required number of signatures, asking
25 that an election be called to approve or disapprove the action
26 of the board in adopting the instructional support program.
27 The petition must be signed by eligible electors equal in
28 number to not less than one hundred or thirty percent of the
29 number of voters at the last preceding regular school
30 election, whichever is greater. The board shall either
31 rescind its action or direct the county commissioner of
32 elections to submit the question to the registered voters of
33 the school district at the next ~~following~~ regular ~~school~~ city
34 election or ~~a-special~~ the next general election. If a
35 majority of those voting on the question at the election

1 favors disapproval of the action of the board, the district
2 shall not participate in the instructional support program.
3 If a majority of those voting on the question favors approval
4 of the action, the board shall certify the results of the
5 election to the department of management and the district
6 shall participate in the program.

7 Sec. 10. Section 257.29, unnumbered paragraph 1, Code
8 2001, is amended to read as follows:

9 An educational improvement program is established to
10 provide additional funding for school districts in which the
11 regular program district cost per pupil for a budget year is
12 one hundred ten percent of the regular program state cost per
13 pupil for the budget year and which have approved the use of
14 the instructional support program established in section
15 257.18. A board of directors that wishes to consider
16 participating in the educational improvement program shall
17 hold a hearing on the question of participation and the
18 maximum percent of the regular program district cost of the
19 district that will be used. The hearing shall be held in the
20 manner provided in section 257.18 for the instructional
21 support program. Following the hearing, the board may direct
22 the county commissioner of elections to submit the question to
23 the registered voters of the school district at the next
24 ~~following~~ regular ~~school~~ city election or ~~a-special~~ the next
25 general election ~~held-not-later-than-the-following-February-1~~.
26 If a majority of those voting on the question favors
27 participation in the program, the board shall adopt a
28 resolution to participate and shall certify the results of the
29 election to the department of management and the district
30 shall participate in the program beginning in the fiscal year
31 following the year of the election. If a majority of those
32 voting on the question does not favor participation, the
33 district shall not participate in the program.

34 Sec. 11. Section 260C.28, subsection 3, Code 2001, is
35 amended to read as follows:

1 3. If the board of directors wishes to certify for a levy
2 under subsection 2, the board shall direct the county
3 commissioner of elections to ~~call an election to~~ submit the
4 question of such authorization for the board at a the next
5 regular city election or ~~special election~~ the next general
6 election. If a majority of those voting on the question at
7 the election favors authorization of the board to make such a
8 levy, the board may certify for a levy as provided under
9 subsection 2 during each of the ten years following the
10 election. If a majority of those voting on the question at
11 the election does not favor authorization of the board to make
12 a levy under subsection 2, the board shall not submit the
13 question to the voters again until three hundred fifty-five
14 days have elapsed from the election.

15 Sec. 12. Section 277.2, Code 2001, is amended to read as
16 follows:

17 277.2 ~~SPECIAL-ELECTION~~ BALLOT ISSUES.

18 The board of directors in a school corporation may call a
19 special election at which the voters shall have the powers
20 exercised at the regular election with reference to the sale
21 of school property and the application to be made of the
22 proceeds, the authorization of seven members on the board of
23 directors, and the authorization to establish or change the
24 boundaries of director districts, ~~and the authorization of a~~
25 ~~voter-approved physical plant and equipment levy or~~
26 ~~indebtedness, as provided by law.~~

27 A proposition authorizing the issuance of bonds or other
28 indebtedness, or the imposition of, or increase in, a voter-
29 approved property tax levy, local option sales tax, or local
30 income surtax, by a school corporation may only be placed on
31 the ballot at the regular city election or the general
32 election.

33 Sec. 13. Section 278.1, unnumbered paragraph 2, Code 2001,
34 is amended to read as follows:

35 The board may, with approval of sixty percent of the

1 voters, voting in a regular ~~or-special~~ school election ~~in-the~~
2 ~~school-district~~, make extended time contracts not to exceed
3 twenty years in duration for rental of buildings to supplement
4 existing schoolhouse facilities; and where it is deemed
5 advisable for buildings to be constructed or placed on real
6 estate owned by the school district, these contracts may
7 include lease-purchase option agreements, the amounts to be
8 paid out of the physical plant and equipment levy fund.

9 Sec. 14. Section 279.39, Code 2001, is amended to read as
10 follows:

11 279.39 SCHOOL BUILDINGS.

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

20 Sec. 15. Section 298.9, Code 2001, is amended to read as
21 follows:

22 298.9 SPECIAL LEVIES.

23 If the voter-approved physical plant and equipment levy,
24 consisting solely of a physical plant and equipment property
25 tax levy, is voted at ~~a-special~~ the regular city election or
26 at the general election and certified to the board of
27 supervisors after the regular levy is made, the board shall at
28 its next regular meeting levy the tax and cause it to be
29 entered upon the tax list to be collected as other school
30 taxes. If the certification is filed prior to May 1, the
31 annual levy shall begin with the tax levy of the year of
32 filing. If the certification is filed after May 1 in a year,
33 the levy shall begin with the levy of the fiscal year
34 succeeding the year of the filing of the certification.

35 Sec. 16. Section 298.18, unnumbered paragraphs 4 and 6,

1 Code 2001, are amended to read as follows:

2 The amount estimated and certified to apply on principal
3 and interest for any one year may exceed two dollars and
4 seventy cents per thousand dollars of assessed value by the
5 amount approved by the voters of the school corporation, but
6 not exceeding four dollars and five cents per thousand of the
7 assessed value of the taxable property within any school
8 corporation, provided that the qualified registered voters of
9 such the school corporation have first approved such the
10 increased amount at ~~a special election, which may be held at~~
11 ~~the same time as~~ the next regular school city election or at
12 the next general election. The proposition submitted to the
13 voters at such special election shall be in substantially the
14 following form:

15 Notice of the election shall be given by the county
16 commissioner of elections according to section 49.53. The
17 ~~election shall be held on a date~~ notice must be published not
18 less than four nor more than twenty days ~~after the last~~
19 ~~publication of the notice~~ before the election. At such the
20 regular city election the ballot used for the submission of
21 ~~said the~~ proposition shall be in substantially the form for
22 submitting special questions at general elections. ~~The county~~
23 ~~commissioner of elections shall conduct the election pursuant~~
24 ~~to the provisions of chapters 39 to 53 and certify the results~~
25 ~~to the board of directors. --~~ The proposition shall not be
26 deemed ~~carried or~~ adopted unless the vote in favor of such the
27 proposition is equal to at least sixty percent of the total
28 vote cast for and against ~~said the~~ proposition at ~~said the~~
29 election. Whenever such a proposition has been approved by
30 the voters of a school corporation as ~~hereinbefore~~ provided in
31 this section, no further approval of the voters of such the
32 school corporation shall be required as a result of any
33 subsequent change in the boundaries of such the school
34 corporation.

35 Sec. 17. Section 298.18A, subsection 2, Code 2001, is

1 amended to read as follows:

2 2. The adjustment shall not result in a total amount
3 levied in excess of the two dollar and seventy cent per
4 thousand dollars of assessed valuation limit provided in
5 section 298.18. An adjustment in excess of the two dollar and
6 seventy cent per thousand dollars of assessed valuation limit
7 shall be subject to the ~~special~~ election provisions for
8 increases of up to four dollars and five cents per thousand
9 dollars of assessed valuation provisions of section 298.18.

10 Sec. 18. Section 298.21, unnumbered paragraph 1, Code
11 2001, is amended to read as follows:

12 The board of directors of any school corporation when
13 authorized by the voters at the regular city election or at a
14 ~~special~~ the general election ~~called-for-that-purpose~~, may
15 issue the negotiable, interest-bearing school bonds of said
16 corporation for borrowing money for any or all of the
17 following purposes:

18 Sec. 19. Section 300.2, unnumbered paragraphs 1 and 2,
19 Code 2001, are amended to read as follows:

20 The board of directors of a school district may, and upon
21 receipt of a petition signed by eligible electors equal in
22 number to at least twenty-five percent of the number of voters
23 at the last preceding school election, shall, direct the
24 county commissioner of elections to submit to the registered
25 voters of the school district the question of whether to levy
26 a tax of not to exceed thirteen and one-half cents per
27 thousand dollars of assessed valuation for public educational
28 and recreational activities authorized under this chapter. ~~If~~
29 ~~at-the-time-of-filing-the-petition, it is more than three~~
30 ~~months-until-the-next-regular-school-election, the~~ The board
31 of directors shall submit the question at ~~a-special-election~~
32 ~~within-sixty-days~~ the next regular city election or the next
33 general election. ~~Otherwise, the question shall be submitted~~
34 ~~at-the-next-regular-school-election.~~

35 If a majority of the votes cast upon the proposition is in

1 favor of the proposition, the board shall certify the amount
2 required for a fiscal year to the county board of supervisors
3 by April 15 of the preceding following fiscal year. The board
4 of supervisors shall levy the amount certified. The amount
5 shall be placed in the public education and recreation levy
6 fund of the district and shall be used only for the purposes
7 specified in this chapter.

8 Sec. 20. Section 331.301, subsection 10, paragraph e,
9 subparagraph (2), subparagraph subdivisions (a) and (b), Code
10 2001, are amended to read as follows:

11 (a) The board must institute proceedings for entering into
12 a lease or lease-purchase contract payable from the general
13 fund by causing a notice of the meeting to discuss entering
14 into the lease or lease-purchase contract, including a
15 statement of the principal amount and purpose of the lease or
16 lease-purchase and the right to petition for an the
17 proposition to be submitted at election, to be published as
18 provided in section 331.305 at least ten days prior to the
19 discussion meeting. No sooner than thirty days following the
20 discussion meeting shall the board hold a meeting at which it
21 is proposed to take action to enter into the lease or lease-
22 purchase contract.

23 (b) If at any time before the end of the thirty-day period
24 after which a meeting may be held to take action to enter into
25 the lease or lease-purchase contract, a petition is filed with
26 the auditor in the manner provided by section 331.306, asking
27 that the question of entering into the lease or lease-purchase
28 contract be submitted to the registered voters of the county,
29 the board shall either by resolution declare the proposal to
30 enter into the lease or lease-purchase contract to have been
31 abandoned or shall direct the county commissioner of elections
32 to ~~call-a-special-election-upon~~ submit the question of
33 entering into the lease or lease-purchase contract at the next
34 general election. However, for purposes of this subparagraph,
35 the petition shall not require signatures in excess of one

1 thousand persons. The question to be placed on the ballot
2 shall be stated affirmatively in substantially the following
3 manner: Shall the county of enter into a lease or lease-
4 purchase contract in an amount of \$.... for the purpose of
5? Notice of the election and its conduct shall be in the
6 manner provided in section 331.442, subsections 2 through 4.

7 Sec. 21. Section 331.402, subsection 3, paragraph d,
8 subparagraph (2), subparagraph subdivisions (a) and (b), Code
9 2001, are amended to read as follows:

10 (a) The board must institute proceedings for entering into
11 a loan agreement payable from the general fund by causing a
12 notice of the meeting to discuss entering into the loan
13 agreement, including a statement of the principal amount and
14 purpose of the loan agreement and the right to petition for ~~an~~
15 the proposition to be submitted at election, to be published
16 as provided in section 331.305 at least ten days prior to the
17 discussion meeting. No sooner than thirty days following the
18 discussion meeting shall the board hold a meeting at which it
19 is proposed to take action to enter into the loan agreement.

20 (b) If at any time before the end of the thirty-day period
21 after which a meeting may be held to take action to enter into
22 the loan agreement, a petition is filed with the auditor in
23 the manner provided by section 331.306 asking that the
24 question of entering into the loan agreement be submitted to
25 the registered voters of the county, the board shall either by
26 resolution declare the proposal to enter into the loan
27 agreement to have been abandoned or shall direct the county
28 commissioner of elections to ~~call-a-special-election-upon~~
29 submit the question of entering into the loan agreement at the
30 next general election. However, for purposes of this
31 subparagraph, the petition shall not require signatures in
32 excess of one thousand persons. The question to be placed on
33 the ballot shall be stated affirmatively in substantially the
34 following manner: Shall the county of enter into a loan
35 agreement in amount of \$.... for the purpose of? Notice

1 of the election and its conduct shall be in the manner
2 provided in section 331.442, subsections 2 through 4.

3 Sec. 22. Section 331.441, subsection 2, paragraph b,
4 subparagraph (7), Code 2001, is amended to read as follows:

5 (7) Enlargement and improvement of a county hospital
6 acquired and operated under chapter 347A, subject to a maximum
7 of two percent of the assessed value of the taxable property
8 in the county. However, notice of the proposed bond issue
9 shall be published once each week for two consecutive weeks
10 and if, within twenty days following the date of the first
11 publication, a petition requesting ~~an election on~~ the proposal
12 be submitted at election and signed by qualified registered
13 voters of the county equal to at least twenty percent of the
14 votes cast at the preceding election for governor is filed
15 with the county auditor, the proposal is subject to the
16 election requirements in section 331.442, subsections 2, 3 and
17 4 for general county purpose bonds.

18 Sec. 23. Section 331.441, subsection 2, paragraph b,
19 subparagraph (12), subparagraph subdivision (b), Code 2001, is
20 amended to read as follows:

21 (b) ~~General~~ The proposition to issue general obligation
22 bonds for the purposes described in this subparagraph are is
23 subject to ~~an election held~~ in the manner provided in section
24 331.442, subsections 1 through 4, if not later than fifteen
25 days following the action by the county board of supervisors,
26 eligible voters file a petition with the county commissioner
27 of elections asking that the question of issuing the bonds be
28 submitted to the registered voters of the special service area
29 tax district. The petition must be signed by at least five
30 percent of the registered voters residing in the special
31 service area tax district. If the petition is duly filed
32 within the fifteen days, the board of supervisors shall either
33 adopt a resolution declaring that the proposal to issue the
34 bonds is abandoned, or direct the county commissioner of
35 elections to ~~call a special~~ submit the proposition at the next

1 ~~general~~ election ~~within-a-special-service-area-tax-district~~
2 ~~upon-the-question-of-issuing-the-bonds.~~

3 Sec. 24. Section 331.441, subsection 2, paragraph c,
4 subparagraph (3), Code 2001, is amended to read as follows:

5 (3) The building and maintenance of a bridge over state
6 boundary line streams. The board shall submit a proposition
7 under this subparagraph to an election at the next general
8 election upon receipt of a petition which is valid under
9 section 331.306.

10 Sec. 25. Section 331.442, subsection 2, unnumbered
11 paragraph 1, Code 2001, is amended to read as follows:

12 Before the board may institute proceedings for the issuance
13 of bonds for a general county purpose, ~~it~~ the board shall ~~call~~
14 ~~a-county-special-election-to-vote-upon~~ submit the question of
15 issuing the bonds to the voters at the next general election.

16 At the election the proposition shall be submitted in the
17 following form:

18 Sec. 26. Section 331.442, subsection 3, Code 2001, is
19 amended to read as follows:

20 3. Notice of the ~~election~~ ballot measure shall be given by
21 publication as specified in section 331.305. ~~At-the-election~~
22 ~~the-ballot-used-for-the-submission-of-the-proposition-shall-be~~
23 ~~in-substantially-the-form-for-submitting-special-questions-at~~
24 ~~general-elections.~~

25 Sec. 27. Section 331.442, subsection 5, paragraph a,
26 unnumbered paragraph 1, Code 2001, is amended to read as
27 follows:

28 Notwithstanding subsection 2, a board, in lieu of ~~calling~~
29 ~~an~~ submitting the proposition at election, may institute
30 proceedings for the issuance of bonds for a general county
31 purpose by causing a notice of the proposal to issue the
32 bonds, including a statement of the amount and purpose of the
33 bonds, and the right to petition for ~~an~~ election, to be
34 published as provided in section 331.305 at least ten days
35 prior to the meeting at which it is proposed to take action

1 for the issuance of the bonds subject to the following
2 limitations:

3 Sec. 28. Section 331.442, subsection 5, paragraph b, Code
4 2001, is amended to read as follows:

5 b. If at any time before the date fixed for taking action
6 for the issuance of the bonds, a petition is filed with the
7 auditor in the manner provided by section 331.306 asking that
8 the question of issuing the bonds be submitted to the
9 registered voters of the county, the board shall either by
10 resolution declare the proposal to issue the bonds to have
11 been abandoned or shall direct the county commissioner of
12 elections to ~~call-a-special-election-upon~~ submit the question
13 of issuing the bonds at the next general election. Notice of
14 the ~~election-and-its-conduct~~ ballot measure shall be in the
15 manner provided in subsections 2, 3, and 4.

16 Sec. 29. Section 331.447, subsection 1, paragraph b,
17 unnumbered paragraph 1, Code 2001, is amended to read as
18 follows:

19 The amount estimated and certified to apply on principal
20 and interest for any one year may only exceed the statutory
21 rate of levy limit, if any, by the amount that the registered
22 voters of the county have approved at ~~a-special-election,~~
23 ~~which-may-be-held-at-the-same-time-as~~ the next general
24 election and may be included in the proposition authorizing
25 the issuance of bonds, if an election on the proposition is
26 necessary, or may be submitted as a separate proposition at
27 the same election or at a different election. Notice of the
28 ~~election~~ ballot measure shall be given as specified in section
29 331.305. If the proposition includes issuing bonds and
30 increasing the levy limit, it shall be in substantially the
31 following form:

32 Sec. 30. Section 346.27, subsection 10, Code 2001, is
33 amended to read as follows:

34 10. After the incorporation of an authority, and before
35 the sale of any issue of revenue bonds, except refunding

1 bonds, the authority shall submit ~~in-a-single-countywide~~
2 ~~election~~ to the registered voters of the city and county, at a
3 the next general, primary, or special ~~election called-for-that~~
4 ~~purpose,~~ the question of whether an authority shall issue and
5 sell revenue bonds, stating the amount, for any of the
6 purposes for which it is incorporated. An affirmative vote of
7 a majority of the votes cast on the proposition is required to
8 authorize the issuance and sale of revenue bonds. A notice of
9 the election shall be published once each week for at least
10 two weeks in some newspaper published in the county. The
11 notice shall name the time when the question shall be
12 submitted, and a copy of the question to be submitted shall be
13 posted at each polling place during the day of election. ~~The~~
14 ~~authority shall call this election with the concurrence of~~
15 ~~both incorporating units, and it shall establish the voting~~
16 ~~precincts and polling places, and appoint the election judges,~~
17 ~~and in so doing such election procedures shall be in~~
18 ~~accordance with the provisions of chapters 49 and 50.~~

19 Sec. 31. Section 364.4, subsection 4, paragraph e,
20 subparagraph (2), subparagraph subdivision (b), Code 2001, is
21 amended to read as follows:

22 (b) If at any time before the end of the thirty-day period
23 after which a meeting may be held to take action to enter into
24 the lease or lease-purchase contract, a petition is filed with
25 the clerk of the city in the manner provided by section 362.4,
26 asking that the question of entering into the lease or lease-
27 purchase contract be submitted to the registered voters of the
28 city, the governing body shall either by resolution declare
29 the proposal to enter into the lease or lease-purchase
30 contract to have been abandoned or shall direct the county
31 commissioner of elections to ~~call a special election upon~~
32 submit the question of entering into the lease or lease-
33 purchase contract at the next regular city election or the
34 next general election. However, for purposes of this
35 subparagraph, the petition shall not require signatures in

1 excess of one thousand persons. The question to be placed on
2 the ballot shall be stated affirmatively in substantially the
3 following manner: Shall the city of enter into a lease
4 or lease-purchase contract in amount of \$.... for the purpose
5 of? Notice of the ~~election-and-its-conduct~~ ballot
6 measure shall be in the manner provided in section 384.26,
7 subsections 2 through 4.

8 Sec. 32. Section 384.12, subsections 5 and 6, Code 2001,
9 are amended to read as follows:

10 5. A tax to aid in the construction of a county bridge,
11 subject to the provisions of subsection 1, ~~except that the~~
12 ~~question must be submitted at a special election. The expense~~
13 ~~of a special election under this subsection must be paid by~~
14 ~~the county.~~ The notice of the ~~special election~~ ballot measure
15 must include full details of the proposal, including the
16 location of the proposed bridge, the rate of tax to be levied,
17 and all other conditions.

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

34 Sec. 33. Section 384.12, subsection 9, unnumbered
35 paragraph 1, Code 2001, is amended to read as follows:

1 A tax for aid to a public transportation company, subject
2 to the procedure provided in subsection 17-~~except-the-question~~
3 ~~must-be-submitted-at-a-special-election~~. The levy is limited
4 to three and three-eighths cents per thousand dollars of
5 assessed value. In addition to any other conditions the
6 following requirements must be met before moneys received for
7 this purpose may be paid over by the county treasurer:

8 Sec. 34. Section 384.12, subsection 20, Code 2001, is
9 amended to read as follows:

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

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

23 ~~b--An-election-under-this-subsection-shall-be-held-on-the~~
24 ~~second-Tuesday-in-March-and-be-conducted-by-the-county~~
25 ~~commissioner-of-elections-in-accordance-with-the-law-~~

26 e. b. The ballot question shall be in substantially the
27 following form:

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

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

30 CHANGE LEVY AMOUNT

31 Add to the existing levy amount a tax for the purpose of
32 (state purpose of proposed levy) at a rate of ...
33 (rate) which will provide an additional \$.... (amount).

34 KEEP CURRENT LEVY

35 Continue under the current maximum rate of ..., providing

1 \$.... (amount).

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

7 ~~e.~~ d. Notice of the election ballot measure shall be
8 published twice in accordance with the provisions of section
9 362.3, except that the first such notice shall be given at
10 least two weeks before the election.

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

12 ~~g.--The-election-provisions-of-this-subsection-shall~~
13 ~~supersede-other-provisions-for-elections-only-to-the-extent~~
14 ~~necessary-to-comply-with-the-provisions-hereof.~~

15 ~~h.~~ e. The provisions of this subsection apply to all
16 cities, however organized, including special charter cities
17 which may adopt ordinances where necessary to carry out these
18 provisions.

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

22 Sec. 35. Section 384.24A, subsection 4, paragraph b,
23 subparagraph (2), Code 2001, is amended to read as follows:

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

1 petition shall not require signatures in excess of one
2 thousand persons. The question to be placed on the ballot
3 shall be stated affirmatively in substantially the following
4 manner: Shall the city of enter into a loan agreement in
5 amount of \$.... for the purpose of? Notice of the
6 ~~election-and-its-conduct~~ ballot measure shall be in the manner
7 provided in section 384.26, subsections 2 through 4.

8 Sec. 36. Section 384.26, subsection 2, unnumbered
9 paragraph 1, Code 2001, is amended to read as follows:

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

16 Sec. 37. Section 384.26, subsection 3, Code 2001, is
17 amended to read as follows:

18 3. Notice of the ~~election~~ ballot measure must be given by
19 publication as required by section 49.53 in a newspaper of
20 general circulation in the city. At the election the ballot
21 used for the submission of the proposition must be in
22 substantially the form for submitting special questions at
23 general elections.

24 Sec. 38. Section 384.26, subsection 5, paragraph a,
25 unnumbered paragraph 1, Code 2001, is amended to read as
26 follows:

27 Notwithstanding the provisions of subsection 2, a council
28 may, in lieu of ~~calling-an~~ submitting the proposition at
29 election, institute proceedings for the issuance of bonds for
30 a general corporate purpose by causing a notice of the
31 proposal to issue the bonds, including a statement of the
32 amount and purpose of the bonds, together with the maximum
33 rate of interest which the bonds are to bear, and the right to
34 petition for an election, to be published at least once in a
35 newspaper of general circulation within the city at least ten

1 days prior to the meeting at which it is proposed to take
2 action for the issuance of the bonds subject to the following
3 limitations:

4 Sec. 39. Section 384.26, subsection 5, paragraph b, Code
5 2001, is amended to read as follows:

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

18 Sec. 40. Section 384.84A, subsection 2, unnumbered
19 paragraph 1, Code 2001, is amended to read as follows:

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

33 Sec. 41. Section 422A.1, unnumbered paragraph 3, Code
34 2001, is amended to read as follows:

35 A city or county shall impose a hotel and motel tax or

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

15 Sec. 42. Section 422A.2, subsection 4, paragraph f,
16 unnumbered paragraphs 1 and 2, Code 2001, are amended to read
17 as follows:

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

30 If at any time before the date fixed for taking action for
31 the issuance of the bonds, a petition signed by three percent
32 of the registered voters of the city or unincorporated area,
33 asking that the question of issuing the bonds be submitted to
34 the registered voters of the city or unincorporated area, the
35 council or board of supervisors acting on behalf of an

1 unincorporated area shall either by resolution declare the
2 proposal to issue the bonds to have been abandoned or shall
3 direct the county commissioner of elections to ~~call-a-special~~
4 ~~election-upon~~ submit the question of issuing the bonds to the
5 voters. For a city, the question shall be placed on the
6 ballot at the next regular city election or the next general
7 election. For a county, the question shall be placed on the
8 ballot at the next general election.

9 Sec. 43. Section 422B.1, subsection 5, Code 2001, is
10 amended to read as follows:

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

1 the ballot proposition which form shall be uniform throughout
2 the state.

3 Sec. 44. Section 422B.12, subsection 4, paragraph a,
4 unnumbered paragraph 2, Code 2001, is amended to read as
5 follows:

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

28 Sec. 45. Section 422D.1, subsection 2, unnumbered
29 paragraph 1, Code 2001, is amended to read as follows:

30 The taxes for emergency medical services shall only be
31 imposed after an election at which a majority of those voting
32 on the question of imposing the tax or combination of taxes
33 specified in subsection 1, paragraph "a" or "b", vote in favor
34 of the question. However, the tax or combination of taxes
35 specified in subsection 1 shall not be imposed on property

1 within or on residents of a benefited emergency medical
2 services district under chapter 357F. The question of
3 imposing the tax or combination of the taxes may be submitted
4 at the regular city election, ~~a special election,~~ or state the
5 general election. Notice of the question shall be provided by
6 publication at least sixty days before the time of the
7 election and shall identify the tax or combination of taxes
8 and the rate or rates, as applicable. If a majority of those
9 voting on the question approve the imposition of the tax or
10 combination of taxes, the tax or combination of taxes shall be
11 imposed as follows:

12 Sec. 46. Section 422E.2, subsection 2, paragraph a, Code
13 2001, is amended to read as follows:

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

23 Sec. 47. Section 422E.2, subsection 3, Code 2001, is
24 amended to read as follows:

25 3. The county commissioner of elections shall submit the
26 question of imposition of a local sales and services tax for
27 school infrastructure purposes at a state the general election
28 ~~or at a special election held at any time other than the time~~
29 ~~of a city regular election. The election shall not be held~~
30 ~~sooner than sixty days after publication of notice of the~~
31 ballot proposition. The ballot proposition shall be published
32 more than sixty days before the election. The ballot
33 proposition shall specify the rate of tax, the date the tax
34 will be imposed and repealed, and shall contain a statement as
35 to the specific purpose or purposes for which the revenues

1 shall be expended. The dates for the imposition and repeal of
2 the tax shall be as provided in subsection 1. The rate of tax
3 shall not be more than one percent as set by the county board
4 of supervisors. The state commissioner of elections shall
5 establish by rule the form for the ballot proposition which
6 form shall be uniform throughout the state.

7 Sec. 48. Section 422E.2, subsection 4, paragraph a, Code
8 2001, is amended to read as follows:

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

22 Sec. 49. Section 422E.2, subsection 4, paragraph b,
23 unnumbered paragraph 1, Code 2001, is amended to read as
24 follows:

25 Within ten days of the election at which a majority of
26 those voting on the question favors the imposition, repeal, or
27 change in the rate of the tax, the county auditor shall give
28 written notice by sending a copy of the abstract of the votes
29 from the favorable election to the director of revenue and
30 finance of the result of the election. ~~Election costs~~ The
31 costs of placing the question on the ballot at the election
32 shall be apportioned among school districts within the county
33 on a pro rata basis in proportion to the number of registered
34 voters in each school district and the total number of
35 registered voters in all of the school districts within the

1 county.

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EXPLANATION

This bill requires a city, county, or school corporation to submit certain ballot propositions to a vote of the people at only the regular city election in November of odd-numbered years or at the general election in November of even-numbered years. The bill applies to propositions authorizing the issuance of bonds or other indebtedness, or to propositions imposing or increasing a voter-approved property tax levy or local option sales tax. For cities and school corporations, these ballot propositions must be placed on the ballot at the regular city election or general election. For a county, these propositions must be placed on the ballot at the general election.

Additional conforming amendments to the Code may be necessary to fully implement the bill's provisions.



H-1267

1 Amend House File 42 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 28E.17, subsection 3,
5 paragraph a, Code 2001, is amended to read as follows:

6 a. The council shall give notice and conduct a
7 hearing on the proposal in the manner set forth in
8 section 384.25. However, the notice must be published
9 at least ten days prior to the hearing, and if a
10 petition valid under section 362.4 is filed with the
11 clerk of the city prior to the hearing, asking that
12 the question of issuing the bonds be submitted to the
13 registered voters of the city, the council shall
14 either by resolution declare the proposal abandoned or
15 shall direct the county commissioner of elections to
16 ~~call a special election to vote upon~~ submit the
17 question of issuing the bonds at one of the elections
18 specified in section 39.26, subsection 2. Notice of
19 the election and its conduct shall be in the manner
20 provided in section 384.26.

21 Sec. 2. Section 28E.22, unnumbered paragraph 1,
22 Code 2001, is amended to read as follows:

23 The board of supervisors, or the city councils of a
24 district composed only of cities, may, and upon
25 receipt of a petition signed by five percent of the
26 registered voters residing in the district shall,
27 submit a proposition to the electorate residing in the
28 district ~~at any general election or at a special~~
29 ~~election held throughout the district~~ one of the
30 elections specified in section 39.26. The proposition
31 shall provide for the establishment of a public safety
32 fund and the levy of a tax on taxable property located
33 in the district at rates not exceeding the rates
34 specified in this section for the purpose of providing
35 additional moneys for the operation of the district.

36 Sec. 3. Section 28E.39, unnumbered paragraph 1,
37 Code 2001, is amended to read as follows:

38 An agreement establishing a community cluster shall
39 require the approval of the registered voters residing
40 within the area of the cluster if the agreement
41 provides for the sharing of revenues from ad valorem
42 property taxes. The proposition shall be submitted to
43 the electorate by each governmental unit forming the
44 community cluster to the electors residing within the
45 area of the governmental unit ~~at a general election or~~
46 ~~at a special election~~ one of the elections specified
47 in section 39.26. However, if a county has designated
48 only certain townships as being included within the
49 community cluster, the proposition shall be submitted
50 at the general election to the electorate of the

H-1267

-1-

H-1267

Page 2

1 county residing only in the townships included in the
2 community cluster.

3 Sec. 4. Section 37.3, unnumbered paragraph 1, Code
4 2001, is amended to read as follows:

5 Upon the filing of the requisite petition, the city
6 council shall cause the proposition to be submitted at
7 ~~a regular election, or at a special election to be~~
8 ~~called if requested in the petition~~ one of the
9 elections specified in section 39.26, subsection 2, in
10 substantially the following form:

11 Sec. 5. Section 39.2, subsection 1, unnumbered
12 paragraph 2, Code 2001, is amended to read as follows:

13 ~~A special election shall not be held in conjunction~~
14 ~~with the primary election.~~ A special election shall
15 not be held in conjunction with a school election
16 unless the special election is for a school district
17 or community college.

18 Sec. 6. NEW SECTION. 39.26 COUNTY AND CITY
19 ELECTIONS.

20 1. A proposition authorizing the issuance of bonds
21 or other indebtedness, or the imposition of, or
22 increase in, a voter-approved property tax levy or
23 local option sales tax by a county may only be placed
24 on the ballot at the following elections:

25 a. The general election.

26 b. The primary election.

27 c. A special election held on the first Tuesday
28 after the first Monday in June in each odd-numbered
29 year.

30 2. A proposition authorizing the issuance of bonds
31 or other indebtedness, or the imposition of, or
32 increase in, a voter-approved property tax levy or
33 local option sales tax by a city may only be placed on
34 the ballot at the following elections:

35 a. The regular city election.

36 b. The general election.

37 c. The primary election.

38 d. A special election held on the first Tuesday
39 after the first Monday in June in each odd-numbered
40 year.

41 Sec. 7. Section 75.1, unnumbered paragraph 3, Code
42 2001, is amended to read as follows:

43 When a proposition to authorize an issuance of
44 bonds has been submitted to the electors under this
45 section and the proposal fails to gain approval by the
46 required percentage of votes, such proposal, or any
47 proposal which incorporates any portion of the
48 defeated proposal, shall not be submitted to the
49 electors for a period of six months from the date of
50 ~~such regular or special~~ the election.

H-1267

H-1267 Page 3

Page 3

1 Sec. 8. Section 174.17, subsection 1, paragraph b,
2 Code 2001, is amended to read as follows:

3 b. If at any time before the date fixed for taking
4 action for the issuance of the bonds, a petition
5 signed by three percent of the registered voters of
6 the county is filed with the board of supervisors,
7 asking that the question of issuing the bonds be
8 submitted to the registered voters, the board of
9 supervisors shall either by resolution declare the
10 proposal to issue the bonds to have been abandoned or
11 shall direct the county commissioner of elections to
12 ~~call a special election upon~~ submit the question of
13 issuing the bonds at one of the elections specified in
14 section 39.26, subsection 1. The proposition of
15 issuing bonds under this subsection is not approved
16 unless the vote in favor of the proposition is equal
17 to at least sixty percent of the vote cast. If a
18 petition is not filed, or if a petition is filed and
19 the proposition of issuing the bonds is approved at an
20 election, the board of supervisors acting on behalf of
21 the society may proceed with the authorization and
22 issuance of the bonds. Bonds may be issued for the
23 purpose of refunding outstanding and previously issued
24 bonds under this subsection without otherwise
25 complying with the provisions of this subsection.

26 Sec. 9. Section 257.18, subsection 1, Code 2001,
27 is amended to read as follows:

28 1. An instructional support program that provides
29 additional funding for school districts is
30 established. A board of directors that wishes to
31 consider participating in the instructional support
32 program shall hold a public hearing on the question of
33 participation. The board shall set forth its
34 proposal, including the method that will be used to
35 fund the program, in a resolution and shall publish
36 the notice of the time and place of a public hearing
37 on the resolution. Notice of the time and place of
38 the public hearing shall be published not less than
39 ten nor more than twenty days before the public
40 hearing in a newspaper which is a newspaper of general
41 circulation in the school district. At the hearing,
42 or no later than thirty days after the date of the
43 hearing, the board shall take action to adopt a
44 resolution to participate in the instructional support
45 program for a period not exceeding five years or to
46 direct the county commissioner of elections to submit
47 the question of participation in the program for a
48 period not exceeding ten years to the registered
49 voters of the school district at ~~the next regular~~
50 ~~school election or at a special election~~ one of the

H-1267

-3-

H-1267

Page 4

1 elections specified in section 277.2. If the board
2 submits the question at an election and a majority of
3 those voting on the question favors participation in
4 the program, the board shall adopt a resolution to
5 participate and certify the results of the election to
6 the department of management.

7 Sec. 10. Section 257.18, subsection 2, unnumbered
8 paragraph 1, Code 2001, is amended to read as follows:

9 If the board does not provide for an election and
10 adopts a resolution to participate in the
11 instructional support program, the district shall
12 participate in the instructional support program
13 unless within twenty-eight days following the action
14 of the board, the secretary of the board receives a
15 petition containing the required number of signatures,
16 asking that an election be called to approve or
17 disapprove the action of the board in adopting the
18 instructional support program. The petition must be
19 signed by eligible electors equal in number to not
20 less than one hundred or thirty percent of the number
21 of voters at the last preceding regular school
22 election, whichever is greater. The board shall
23 either rescind its action or direct the county
24 commissioner of elections to submit the question to
25 the registered voters of the school district at ~~the~~
26 ~~next following regular school election or a special~~
27 ~~election~~ one of the elections specified in section
28 277.2. If a majority of those voting on the question
29 at the election favors disapproval of the action of
30 the board, the district shall not participate in the
31 instructional support program. If a majority of those
32 voting on the question favors approval of the action,
33 the board shall certify the results of the election to
34 the department of management and the district shall
35 participate in the program.

36 Sec. 11. Section 257.29, unnumbered paragraph 1,
37 Code 2001, is amended to read as follows:

38 An educational improvement program is established
39 to provide additional funding for school districts in
40 which the regular program district cost per pupil for
41 a budget year is one hundred ten percent of the
42 regular program state cost per pupil for the budget
43 year and which have approved the use of the
44 instructional support program established in section
45 257.18. A board of directors that wishes to consider
46 participating in the educational improvement program
47 shall hold a hearing on the question of participation
48 and the maximum percent of the regular program
49 district cost of the district that will be used. The
50 hearing shall be held in the manner provided in

H-1267

-4-

H-1267

Page 5

1 section 257.18 for the instructional support program.
2 Following the hearing, the board may direct the county
3 commissioner of elections to submit the question to
4 the registered voters of the school district at ~~the~~
5 ~~next following regular school election or a special~~
6 ~~election held not later than the following February 1~~
7 one of the elections specified in section 277.2 next
8 following the hearing. If a majority of those voting
9 on the question favors participation in the program,
10 the board shall adopt a resolution to participate and
11 shall certify the results of the election to the
12 department of management and the district shall
13 participate in the program beginning in the fiscal
14 year following the year of the election. If a
15 majority of those voting on the question does not
16 favor participation, the district shall not
17 participate in the program.

18 Sec. 12. Section 260C.28, subsection 3, Code 2001,
19 is amended to read as follows:

20 3. If the board of directors wishes to certify for
21 a levy under subsection 2, the board shall direct the
22 county commissioner of elections to ~~call an election~~
23 ~~to~~ submit the question of such authorization for the
24 board at ~~a regular or special election~~ one of the
25 elections specified in section 277.2. If a majority
26 of those voting on the question at the election favors
27 authorization of the board to make such a levy, the
28 board may certify for a levy as provided under
29 subsection 2 during each of the ten years following
30 the election. If a majority of those voting on the
31 question at the election does not favor authorization
32 of the board to make a levy under subsection 2, the
33 board shall not submit the question to the voters
34 again until three hundred fifty-five days have elapsed
35 from the election.

36 Sec. 13. Section 277.2, Code 2001, is amended to
37 read as follows:

38 277.2 SPECIAL ELECTION.

39 1. The board of directors in a school corporation
40 may call a special election at which the voters shall
41 have the powers exercised at the regular election with
42 reference to the sale of school property and the
43 application to be made of the proceeds, the
44 authorization of seven members on the board of
45 directors, the authorization to establish or change
46 the boundaries of director districts, and the
47 authorization of a voter-approved physical plant and
48 equipment levy or indebtedness, as provided by law.

49 2. A proposition authorizing the issuance of bonds
50 or other indebtedness, or the imposition of, or

H-1267

-5-

H-1267

Page 6

1 increase in, a voter-approved property tax levy, local
2 option sales tax, or local income surtax, by a school
3 corporation may only be placed on the ballot at the
4 following elections:

5 a. The regular city election.

6 b. The general election.

7 c. The primary election.

8 d. A special election held on the first Tuesday
9 after the first Monday in June in the odd-numbered
10 year.

11 Sec. 14. Section 278.1, unnumbered paragraph 2,
12 Code 2001, is amended to read as follows:

13 The board may, with approval of sixty percent of
14 the voters, voting ~~in a regular or special election in~~
15 ~~the school district~~ at one of the elections specified
16 in section 277.2, make extended time contracts not to
17 exceed twenty years in duration for rental of
18 buildings to supplement existing schoolhouse
19 facilities; and where it is deemed advisable for
20 buildings to be constructed or placed on real estate
21 owned by the school district, these contracts may
22 include lease-purchase option agreements, the amounts
23 to be paid out of the physical plant and equipment
24 levy fund.

25 Sec. 15. Section 279.39, Code 2001, is amended to
26 read as follows:

27 279.39 SCHOOL BUILDINGS.

28 The board of any school corporation shall establish
29 attendance centers and provide suitable buildings for
30 each school in the district and may at the regular or
31 a special meeting ~~call a special election~~ direct the
32 county commissioner of elections to submit to the
33 registered voters of the district the question of
34 voting a tax or authorizing the board to issue bonds,
35 or both, at one of the elections specified in section
36 277.2.

37 Sec. 16. Section 298.9, Code 2001, is amended to
38 read as follows:

39 298.9 SPECIAL LEVIES.

40 If the voter-approved physical plant and equipment
41 levy, consisting solely of a physical plant and
42 equipment property tax levy, is voted at ~~a special~~
43 ~~election~~ one of the elections specified in section
44 277.2, and certified to the board of supervisors after
45 the regular levy is made, the board shall at its next
46 regular meeting levy the tax and cause it to be
47 entered upon the tax list to be collected as other
48 school taxes. If the certification is filed prior to
49 May 1, the annual levy shall begin with the tax levy
50 of the year of filing. If the certification is filed

H-1267

-6-

H-1267

Page 7

1 after May 1 in a year, the levy shall begin with the
2 levy of the fiscal year succeeding the year of the
3 filing of the certification.

4 Sec. 17. Section 298.18, unnumbered paragraphs 4
5 and 6, Code 2001, are amended to read as follows:

6 The amount estimated and certified to apply on
7 principal and interest for any one year may exceed two
8 dollars and seventy cents per thousand dollars of
9 assessed value by the amount approved by the voters of
10 the school corporation, but not exceeding four dollars
11 and five cents per thousand of the assessed value of
12 the taxable property within any school corporation,
13 provided that the ~~qualified~~ registered voters of ~~such~~
14 the school corporation have first approved ~~such~~ the
15 increased amount at a ~~special election, which may be~~
16 ~~held at the same time as the regular school election~~
17 one of the elections specified in section 277.2. The
18 proposition submitted to the voters at such special
19 election shall be in substantially the following form:

20 Notice of the election shall be given by the county
21 commissioner of elections according to section 49.53.
22 ~~The election shall be held on a date~~ notice must be
23 published not less than four nor more than twenty days
24 ~~after the last publication of the notice before the~~
25 election. At ~~such~~ the election the ballot used for
26 the submission of ~~said~~ the proposition shall be in
27 substantially the form for submitting special
28 questions at general elections. ~~The~~ If a special
29 election, the county commissioner of elections shall
30 conduct the election pursuant to the provisions of
31 chapters 39 to 53 and certify the results to the board
32 of directors. ~~Such~~ The proposition shall not be
33 deemed ~~carried or~~ adopted unless the vote in favor of
34 ~~such~~ the proposition is equal to at least sixty
35 percent of the total vote cast for and against ~~said~~
36 the proposition at ~~said~~ the election. Whenever such a
37 proposition has been approved by the voters of a
38 school corporation as ~~hereinbefore~~ provided in this
39 section, no further approval of the voters of ~~such~~ the
40 school corporation shall be required as a result of
41 any subsequent change in the boundaries of ~~such~~ the
42 school corporation.

43 Sec. 18. Section 298.18A, subsection 2, Code 2001,
44 is amended to read as follows:

45 2. The adjustment shall not result in a total
46 amount levied in excess of the two dollar and seventy
47 cent per thousand dollars of assessed valuation limit
48 provided in section 298.18. An adjustment in excess
49 of the two dollar and seventy cent per thousand
50 dollars of assessed valuation limit shall be subject

H-1267

H-1267

Page 8

1 to the ~~special~~ election provisions for increases of up
2 to four dollars and five cents per thousand dollars of
3 assessed valuation provisions of section 298.18.

4 Sec. 19. Section 298.21, unnumbered paragraph 1,
5 Code 2001, is amended to read as follows:

6 The board of directors of any school corporation
7 when authorized by the voters at ~~the regular election~~
8 ~~or at a special election called for that purpose, one~~
9 of the elections specified in section 277.2 may issue
10 the negotiable, interest-bearing school bonds of said
11 corporation for borrowing money for any or all of the
12 following purposes:

13 Sec. 20. Section 300.2, unnumbered paragraphs 1
14 and 2, Code 2001, are amended to read as follows:

15 The board of directors of a school district may,
16 and upon receipt of a petition signed by eligible
17 electors equal in number to at least twenty-five
18 percent of the number of voters at the last preceding
19 school election, shall, direct the county commissioner
20 of elections to submit to the registered voters of the
21 school district the question of whether to levy a tax
22 of not to exceed thirteen and one-half cents per
23 thousand dollars of assessed valuation for public
24 educational and recreational activities authorized
25 under this chapter. ~~If at the time of filing the~~
26 ~~petition, it is more than three months until the next~~
27 ~~regular school election, the~~ The board of directors
28 shall submit the question at ~~a special election within~~
29 ~~sixty days. Otherwise, the question shall be~~
30 ~~submitted at the next regular school election~~ one of
31 the elections specified in section 277.2.

32 If a majority of the votes cast upon the
33 proposition is in favor of the proposition, the board
34 shall certify the amount required for a fiscal year to
35 the county board of supervisors by April 15 of the
36 fiscal year preceding the fiscal year in which the tax
37 will be levied. The board of supervisors shall levy
38 the amount certified. The amount shall be placed in
39 the public education and recreation levy fund of the
40 district and shall be used only for the purposes
41 specified in this chapter.

42 Sec. 21. Section 331.301, subsection 10, paragraph
43 e, subparagraph (2), subparagraph divisions (a) and
44 (b), Code 2001, are amended to read as follows:

45 (a) The board must institute proceedings for
46 entering into a lease or lease-purchase contract
47 payable from the general fund by causing a notice of
48 the meeting to discuss entering into the lease or
49 lease-purchase contract, including a statement of the
50 principal amount and purpose of the lease or lease-

H-1267

-8-

H-1267

Page 9

1 purchase and the right to petition for ~~an election~~ the
2 proposition to be submitted at one of the elections
3 specified in section 39.26, subsection 1, to be
4 published as provided in section 331.305 at least ten
5 days prior to the discussion meeting. No sooner than
6 thirty days following the discussion meeting shall the
7 board hold a meeting at which it is proposed to take
8 action to enter into the lease or lease-purchase
9 contract.

10 (b) If at any time before the end of the thirty-
11 day period after which a meeting may be held to take
12 action to enter into the lease or lease-purchase
13 contract, a petition is filed with the auditor in the
14 manner provided by section 331.306, asking that the
15 question of entering into the lease or lease-purchase
16 contract be submitted to the registered voters of the
17 county, the board shall either by resolution declare
18 the proposal to enter into the lease or lease-purchase
19 contract to have been abandoned or shall direct the
20 county commissioner of elections to ~~call a special~~
21 ~~election upon~~ submit the question of entering into the
22 lease or lease-purchase contract at one of the
23 elections specified in section 39.26, subsection 1.

24 However, for purposes of this subparagraph, the
25 petition shall not require signatures in excess of one
26 thousand persons. The question to be placed on the
27 ballot shall be stated affirmatively in substantially
28 the following manner: Shall the county of enter
29 into a lease or lease-purchase contract in an amount
30 of \$.... for the purpose of? Notice of the
31 election and its conduct shall be in the manner
32 provided in section 331.442, subsections 2 through 4.

33 Sec. 22. Section 331.402, subsection 3, paragraph
34 d, subparagraph (2), subparagraph subdivisions (a) and
35 (b), Code 2001, are amended to read as follows:

36 (a) The board must institute proceedings for
37 entering into a loan agreement payable from the
38 general fund by causing a notice of the meeting to
39 discuss entering into the loan agreement, including a
40 statement of the principal amount and purpose of the
41 loan agreement and the right to petition for ~~an~~
42 ~~election~~ the proposition to be submitted at one of the
43 elections specified in section 39.26, subsection 1, to
44 be published as provided in section 331.305 at least
45 ten days prior to the discussion meeting. No sooner
46 than thirty days following the discussion meeting
47 shall the board hold a meeting at which it is proposed
48 to take action to enter into the loan agreement.

49 (b) If at any time before the end of the thirty-
50 day period after which a meeting may be held to take

H-1267

H-1267

Page 10

1 action to enter into the loan agreement, a petition is
2 filed with the auditor in the manner provided by
3 section 331.306 asking that the question of entering
4 into the loan agreement be submitted to the registered
5 voters of the county, the board shall either by
6 resolution declare the proposal to enter into the loan
7 agreement to have been abandoned or shall direct the
8 county commissioner of elections to ~~call a special~~
9 ~~election upon~~ submit the question of entering into the
10 loan agreement at one of the elections specified in
11 section 39.26, subsection 1. However, for purposes of
12 this subparagraph, the petition shall not require
13 signatures in excess of one thousand persons. The
14 question to be placed on the ballot shall be stated
15 affirmatively in substantially the following manner:
16 Shall the county of enter into a loan agreement
17 in amount of \$.... for the purpose of? Notice of
18 the election and its conduct shall be in the manner
19 provided in section 331.442, subsections 2 through 4.
20 Sec. 23. Section 331.441, subsection 2, paragraph
21 b, subparagraph (7), Code 2001, is amended to read as
22 follows:

23 (7) Enlargement and improvement of a county
24 hospital acquired and operated under chapter 347A,
25 subject to a maximum of two percent of the assessed
26 value of the taxable property in the county. However,
27 notice of the proposed bond issue shall be published
28 once each week for two consecutive weeks and if,
29 within twenty days following the date of the first
30 publication, a petition requesting ~~an election on that~~
31 the proposal be submitted at one of the elections
32 specified in section 39.26, subsection 1, and signed
33 by ~~qualified~~ registered voters of the county equal to
34 at least twenty percent of the votes cast at the
35 preceding election for governor is filed with the
36 county auditor, the proposal is subject to the
37 election requirements in section 331.442, subsections
38 2, 3 and 4 for general county purpose bonds.

39 Sec. 24. Section 331.441, subsection 2, paragraph
40 b, subparagraph (12), subparagraph subdivision (b),
41 Code 2001, is amended to read as follows:

42 (b) ~~General~~ The proposition to issue general
43 obligation bonds for the purposes described in this
44 subparagraph ~~are~~ is subject to ~~an election held~~ in the
45 manner provided in section 331.442, subsections 1
46 through 4, if not later than fifteen days following
47 the action by the county board of supervisors,
48 eligible voters file a petition with the county
49 commissioner of elections asking that the question of
50 issuing the bonds be submitted to the registered

H-1267

-10-

H-1267

Page 11

1 voters of the special service area tax district. The
2 petition must be signed by at least five percent of
3 the registered voters residing in the special service
4 area tax district. If the petition is duly filed
5 within the fifteen days, the board of supervisors
6 shall either adopt a resolution declaring that the
7 proposal to issue the bonds is abandoned, or direct
8 the county commissioner of elections to ~~call a special~~
9 ~~election~~ submit the proposition within a special
10 service area tax district ~~upon the question of issuing~~
11 ~~the bonds~~ at one of the elections specified in section
12 39.26, subsection 1.

13 Sec. 25. Section 331.441, subsection 2, paragraph
14 c, subparagraph (3), Code 2001, is amended to read as
15 follows:

16 (3) The building and maintenance of a bridge over
17 state boundary line streams. The board shall submit a
18 proposition under this subparagraph ~~to an election at~~
19 one of the elections specified in section 39.26,
20 subsection 1, upon receipt of a petition which is
21 valid under section 331.306.

22 Sec. 26. Section 331.442, subsection 2, unnumbered
23 paragraph 1, Code 2001, is amended to read as follows:

24 Before the board may institute proceedings for the
25 issuance of bonds for a general county purpose, it
26 shall ~~call a county special election to vote upon the~~
27 ~~question of issuing the bonds~~ for the proposition to
28 issue the bonds to be submitted at one of the
29 elections specified in section 39.26, subsection 1.

30 At the election the proposition shall be submitted in
31 the following form:

32 Sec. 27. Section 331.442, subsection 3, Code 2001,
33 is amended to read as follows:

34 3. Notice of the ~~election~~ ballot measure shall be
35 given by publication as specified in section 331.305.
36 ~~At the election~~ If the measure is submitted at a
37 special election, the ballot used for the submission
38 of the proposition shall be in substantially the form
39 for submitting special questions at general elections.

40 Sec. 28. Section 331.442, subsection 5, paragraph
41 a, unnumbered paragraph 1, Code 2001, is amended to
42 read as follows:

43 Notwithstanding subsection 2, a board, in lieu of
44 ~~calling an~~ submitting the proposition at election, may
45 institute proceedings for the issuance of bonds for a
46 general county purpose by causing a notice of the
47 proposal to issue the bonds, including a statement of
48 the amount and purpose of the bonds, and the right to
49 petition for an election, to be published as provided
50 in section 331.305 at least ten days prior to the

H-1267

-11-

H-1267

Page 12

1 meeting at which it is proposed to take action for the
2 issuance of the bonds subject to the following
3 limitations:

4 Sec. 29. Section 331.442, subsection 5, paragraph
5 b, Code 2001, is amended to read as follows:

6 b. If at any time before the date fixed for taking
7 action for the issuance of the bonds, a petition is
8 filed with the auditor in the manner provided by
9 section 331.306 asking that the question of issuing
10 the bonds be submitted to the registered voters of the
11 county, the board shall either by resolution declare
12 the proposal to issue the bonds to have been abandoned
13 or shall direct the county commissioner of elections
14 to ~~call a special election upon~~ submit the question of
15 issuing the bonds at one of the elections specified in
16 section 39.26, subsection 1. Notice of the ~~election~~
17 ~~and its conduct~~ ballot measure shall be in the manner
18 provided in subsections 2, 3 and 4.

19 Sec. 30. Section 331.447, subsection 1, paragraph
20 b, unnumbered paragraph 1, Code 2001, is amended to
21 read as follows:

22 The amount estimated and certified to apply on
23 principal and interest for any one year may only
24 exceed the statutory rate of levy limit, if any, by
25 the amount that the registered voters of the county
26 have approved at ~~a special~~ election, which may be held
27 ~~at the same time as the general election and may be~~
28 included in the proposition authorizing the issuance
29 of bonds, if an election on the proposition is
30 necessary, or may be submitted as a separate
31 proposition at the same election or at a different
32 election as specified in section 39.26, subsection 1.
33 Notice of the ~~election~~ ballot measure shall be given
34 as specified in section 331.305. If the proposition
35 includes issuing bonds and increasing the levy limit,
36 it shall be in substantially the following form:

37 Sec. 31. Section 346.27, subsection 10, Code 2001,
38 is amended to read as follows:

39 10. After the incorporation of an authority, and
40 before the sale of any issue of revenue bonds, except
41 refunding bonds, the authority shall submit ~~in a~~
42 ~~single~~ at one of the countywide election elections
43 specified in section 39.26 to the registered voters of
44 the city and county, ~~at a general, primary, or special~~
45 ~~election called for that purpose,~~ the question of
46 whether an authority shall issue and sell revenue
47 bonds, stating the amount, for any of the purposes for
48 which it is incorporated. An affirmative vote of a
49 majority of the votes cast on the proposition is
50 required to authorize the issuance and sale of revenue

H-1267

-12-

H-1267

Page 13

1 bonds. A notice of the election shall be published
2 once each week for at least two weeks in some
3 newspaper published in the county. The notice shall
4 name the time when the question shall be submitted,
5 and a copy of the question to be submitted shall be
6 posted at each polling place during the day of
7 election. The authority shall call this election with
8 the concurrence of both incorporating units, and it
9 shall establish the voting precincts and polling
10 places, and appoint the election judges, and in so
11 doing such election procedures shall be in accordance
12 with the provisions of chapters 49 and 50.

13 Sec. 32. Section 364.4, subsection 4, paragraph e,
14 subparagraph (2), subparagraph subdivision (b), Code
15 2001, is amended to read as follows:

16 (b) If at any time before the end of the thirty-
17 day period after which a meeting may be held to take
18 action to enter into the lease or lease-purchase
19 contract, a petition is filed with the clerk of the
20 city in the manner provided by section 362.4, asking
21 that the question of entering into the lease or lease-
22 purchase contract be submitted to the registered
23 voters of the city, the governing body shall either by
24 resolution declare the proposal to enter into the
25 lease or lease-purchase contract to have been
26 abandoned or shall direct the county commissioner of
27 elections to ~~call a special election upon~~ submit the
28 question of entering into the lease or lease-purchase
29 contract at one of the elections specified in section
30 39.26, subsection 2. However, for purposes of this
31 subparagraph, the petition shall not require
32 signatures in excess of one thousand persons. The
33 question to be placed on the ballot shall be stated
34 affirmatively in substantially the following manner:
35 Shall the city of enter into a lease or lease-
36 purchase contract in amount of \$.... for the purpose
37 of? Notice of the election and its conduct shall
38 be in the manner provided in section 384.26,
39 subsections 2 through 4.

40 Sec. 33. Section 384.12, subsection 1, paragraph
41 a, Code 2001, is amended to read as follows:

42 a. Upon receipt of a petition valid under the
43 provisions of section 362.4, the council shall submit
44 to the voters at ~~the next regular city election~~ one of
45 the elections specified in section 39.26, subsection
46 2, the question of whether a tax shall be levied.

47 Sec. 34. Section 384.12, subsections 5 and 6, Code
48 2001, are amended to read as follows:

49 5. A tax to aid in the construction of a county
50 bridge, subject to the provisions of subsection 1-

H-1267

-13-

H-1267

Page 14

1 ~~except that the question must be submitted at a~~
2 ~~special election.~~ The expense of a special election
3 under this subsection must be paid by the county. The
4 notice of the ~~special election~~ ballot measure must
5 include full details of the proposal, including the
6 location of the proposed bridge, the rate of tax to be
7 levied, and all other conditions.

8 6. A tax to aid a company incorporated under the
9 laws of this state in the construction of a highway or
10 combination bridge across any navigable boundary river
11 of this state, commencing or terminating in the city
12 and suitable for use as highway, or for both highway
13 and railway purposes. This tax levy is subject to the
14 provisions of subsections 1 and 5. The levy is
15 limited to one dollar and thirty-five cents per
16 thousand dollars of the assessed value of taxable
17 property in the city. The estimated cost of the
18 bridge must be at least ten thousand dollars, and the
19 city aid may not exceed one-half of the estimated
20 cost. The notice of the ~~special election~~ ballot
21 measure must include the name of the corporation to be
22 aided, and all conditions required of the corporation.
23 Tax moneys received for this purpose may not be paid
24 over by the county treasurer until the city has filed
25 a statement that the corporation has complied with all
26 conditions.

27 Sec. 35. Section 384.12, subsection 9, unnumbered
28 paragraph 1, Code 2001, is amended to read as follows:

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

37 Sec. 36. Section 384.12, subsection 20, Code 2001,
38 is amended to read as follows:

39 20. a. A tax that exceeds any tax levy limit
40 within this chapter, provided the question has been
41 submitted at a ~~special levy election~~ one of the
42 elections specified in section 39.26, subsection 2,
43 and received a simple majority of the votes cast on
44 the proposition to authorize the enumerated levy limit
45 to be exceeded for the proposed budget year.

46 ~~a. The election may be held as specified in this~~
47 ~~subsection if notice is given by the city council, not~~
48 ~~later than thirty-two days before the second Tuesday~~
49 ~~in March, to the county commissioner of elections that~~
50 ~~the election is to be held.~~

H-1267

-14-

H-1267

Page 15

1 ~~b. An election under this subsection shall be held~~
2 ~~on the second Tuesday in March and be conducted by the~~
3 ~~county commissioner of elections in accordance with~~
4 ~~the law.~~

5 ~~e. b.~~ The ballot question shall be in
6 substantially the following form:
7 WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY OF
8

9 (Vote for only one of the following choices.)
10 CHANGE LEVY AMOUNT
11 Add to the existing levy amount a tax for the
12 purpose of (state purpose of proposed levy)
13 at a rate of ... (rate) which will provide an
14 additional \$.... (amount).

15 KEEP CURRENT LEVY
16 Continue under the current maximum rate of ...,
17 providing \$.... (amount).

18 ~~d. c.~~ The commissioner of elections conducting the
19 election shall notify the city officials and other
20 county auditors where applicable, of the results
21 within two days of the canvass which shall be held
22 beginning at one o'clock on the second day following
23 the ~~special levy~~ election.

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

28 ~~f. e.~~ The If a special election, the cost of the
29 election shall be borne by the city.

30 ~~g. The election provisions of this subsection~~
31 ~~shall supersede other provisions for elections only to~~
32 ~~the extent necessary to comply with the provisions~~
33 ~~hereof.~~

34 ~~h. f.~~ The provisions of this subsection apply to
35 all cities, however organized, including special
36 charter cities which may adopt ordinances where
37 necessary to carry out these provisions.

38 ~~i. g.~~ The council shall certify the city's budget
39 with the tax askings not exceeding the amount approved
40 by the ~~special levy~~ election.

41 Sec. 37. Section 384.24A, subsection 4, paragraph
42 b, subparagraph (2), Code 2001, is amended to read as
43 follows:

44 (2) If at any time before the end of the thirty-
45 day period after which a meeting may be held to take
46 action to enter into the loan agreement, a petition is
47 filed with the clerk of the city in the manner
48 provided by section 362.4, asking that the question of
49 entering into the loan agreement be submitted to the
50 registered voters of the city, the governing body

H-1267

Page 16

1 shall either by resolution declare the proposal to
2 enter into the loan agreement to have been abandoned
3 or shall direct the county commissioner of elections
4 to ~~call a special election upon~~ submit the question of
5 entering into the loan agreement at one of the
6 elections specified in section 39.26, subsection 2.
7 However, for purposes of this paragraph, the petition
8 shall not require signatures in excess of one thousand
9 persons. The question to be placed on the ballot
10 shall be stated affirmatively in substantially the
11 following manner: Shall the city of enter into a
12 loan agreement in amount of \$.... for the purpose of
13? Notice of the ~~election and its conduct~~ ballot
14 measure shall be in the manner provided in section
15 384.26, subsections 2 through 4.

16 Sec. 38. Section 384.26, subsection 2, unnumbered
17 paragraph 1, Code 2001, is amended to read as follows:

18 Before the council may institute proceedings for
19 the issuance of bonds for a general corporate purpose,
20 it shall ~~call a special city election to vote upon~~
21 direct the county commissioner of elections to submit
22 the question of issuing the bonds at one of the
23 elections specified in section 39.26, subsection 2.

24 At the election the proposition must be submitted in
25 the following form:

26 Sec. 39. Section 384.26, subsection 3, Code 2001,
27 is amended to read as follows:

28 3. Notice of the ~~election~~ ballot measure must be
29 given by publication as required by section 49.53 in a
30 newspaper of general circulation in the city. At the
31 election the ballot used for the submission of the
32 proposition must be in substantially the form for
33 submitting special questions at general elections.

34 Sec. 40. Section 384.26, subsection 5, paragraph
35 a, unnumbered paragraph 1, Code 2001, is amended to
36 read as follows:

37 Notwithstanding the provisions of subsection 2, a
38 council may, in lieu of ~~calling an~~ submitting the
39 proposition at election, institute proceedings for the
40 issuance of bonds for a general corporate purpose by
41 causing a notice of the proposal to issue the bonds,
42 including a statement of the amount and purpose of the
43 bonds, together with the maximum rate of interest
44 which the bonds are to bear, and the right to petition
45 for an election, to be published at least once in a
46 newspaper of general circulation within the city at
47 least ten days prior to the meeting at which it is
48 proposed to take action for the issuance of the bonds
49 subject to the following limitations:

50 Sec. 41. Section 384.26, subsection 5, paragraph

H-1267

H-1267

Page 17

1 b, Code 2001, is amended to read as follows:

2 b. If at any time before the date fixed for taking
3 action for the issuance of the bonds, a petition is
4 filed with the clerk of the city in the manner
5 provided by section 362.4, asking that the question of
6 issuing the bonds be submitted to the registered
7 voters of the city, the council shall either by
8 resolution declare the proposal to issue the bonds to
9 have been abandoned or shall direct the county
10 commissioner of elections to ~~call a special election~~
11 ~~upon~~ submit the question of issuing the bonds at one
12 of the elections specified in section 39.26,
13 subsection 2. Notice of the election and its conduct
14 ballot measure shall be in the manner provided in the
15 preceding subsections of this section.

16 Sec. 42. Section 384.84A, subsection 2, unnumbered
17 paragraph 1, Code 2001, is amended to read as follows:

18 If, before the date fixed for taking action to
19 authorize the issuance of revenue bonds for the storm
20 water drainage construction project, a petition signed
21 by three percent of the registered voters of the city,
22 asking that the question of issuing revenue bonds for
23 the storm water drainage construction project be
24 submitted to the registered voters of the city, the
25 council, by resolution, shall declare the project
26 abandoned or shall direct the county commissioner of
27 elections to ~~call a special election upon~~ submit the
28 question of issuing the bonds for the storm water
29 drainage construction project at one of the elections
30 specified in section 39.26, subsection 2, if the cost
31 of the project and population of the city meet one of
32 the following criteria:

33 Sec. 43. Section 422A.1, unnumbered paragraph 3,
34 Code 2001, is amended to read as follows:

35 A city or county shall impose a hotel and motel tax
36 or increase the tax rate, only after an election at
37 which a majority of those voting on the question
38 favors imposition or increase. However, a hotel and
39 motel tax shall not be repealed or reduced in rate if
40 obligations are outstanding which are payable as
41 provided in section 422A.2, unless funds sufficient to
42 pay the principal, interest, and premium, if any, on
43 the outstanding obligations at and prior to maturity
44 have been properly set aside and pledged for that
45 purpose. ~~The election shall be held at the time of~~
46 ~~that city's or county's general election or at the~~
47 ~~time of a special election.~~ For a county, the
48 question shall be submitted at one of the elections
49 specified in section 39.26, subsection 1, and for a
50 city, the question shall be submitted at one of the

H-1267

H-1267

Page 18

1 elections specified in section 39.26, subsection 2.
2 Sec. 44. Section 422A.2, subsection 4, paragraph
3 f, unnumbered paragraphs 1 and 2, Code 2001, are
4 amended to read as follows:
5 A city or county acting on behalf of an
6 unincorporated area may, in lieu of calling ~~an~~ for the
7 question to be placed on the ballot at election,
8 institute proceedings for the issuance of bonds under
9 this section by causing a notice of the proposal to
10 issue the bonds, including a statement of the amount
11 and purpose of the bonds, together with the maximum
12 rate of interest which the bonds are to bear, and the
13 right to petition for an election, to be published at
14 least once in a newspaper of general circulation
15 within the city or unincorporated area at least ten
16 days prior to the meeting at which it is proposed to
17 take action for the issuance of the bonds.

18 If at any time before the date fixed for taking
19 action for the issuance of the bonds, a petition
20 signed by three percent of the registered voters of
21 the city or unincorporated area, asking that the
22 question of issuing the bonds be submitted to the
23 registered voters of the city or unincorporated area,
24 the council or board of supervisors acting on behalf
25 of an unincorporated area shall either by resolution
26 declare the proposal to issue the bonds to have been
27 abandoned or shall direct the county commissioner of
28 elections to ~~call a special election upon submit~~ the
29 question of issuing the bonds to the voters. For a
30 county, the question shall be submitted at one of the
31 elections specified in section 39.26, subsection 1.
32 For a city, the question shall be submitted at one of
33 the elections specified in section 39.26, subsection
34 2.

35 Sec. 45. Section 422B.1, subsection 5, Code 2001,
36 is amended to read as follows:
37 5. The county commissioner of elections shall
38 submit the question of imposition of a local option
39 tax at a ~~state general election or at a special~~
40 ~~election held at any time other than the time of a~~
41 ~~city regular election~~ one of the elections specified
42 in section 39.26, subsection 1. The election shall
43 ~~not be held sooner than sixty days after publication~~
44 ~~of notice of the ballot proposition. Notice of the~~
45 ballot measure shall be published at least sixty days
46 before the election. The ballot proposition shall
47 specify the type and rate of tax and in the case of a
48 vehicle tax the classes that will be exempt and in the
49 case of a local sales and services tax the date it
50 will be imposed which date shall not be earlier than

H-1267

H-1267

Page 19

1 ninety days following the election. The ballot
2 proposition shall also specify the approximate amount
3 of local option tax revenues that will be used for
4 property tax relief and shall contain a statement as
5 to the specific purpose or purposes for which the
6 revenues shall otherwise be expended. If the county
7 board of supervisors decides under subsection 6 to
8 specify a date on which the local option sales and
9 services tax shall automatically be repealed, the date
10 of the repeal shall also be specified on the ballot.
11 The rate of the vehicle tax shall be in increments of
12 one dollar per vehicle as set by the petition seeking
13 to impose the tax. The rate of a local sales and
14 services tax shall not be more than one percent as set
15 by the governing body. The state commissioner of
16 elections shall establish by rule the form for the
17 ballot proposition which form shall be uniform
18 throughout the state.

19 Sec. 46. Section 422B.12, subsection 4, paragraph
20 a, unnumbered paragraph 2, Code 2001, is amended to
21 read as follows:

22 If at any time before the date fixed for taking
23 action for the issuance of the bonds, a petition
24 signed by three percent of the registered voters of
25 the bond issuer is filed, asking that the question of
26 issuing the bonds be submitted to the registered
27 voters, the governing body shall either by resolution
28 declare the proposal to issue the bonds to have been
29 abandoned or shall direct the county commissioner of
30 elections to ~~call a special election upon~~ submit the
31 question of issuing the bonds to the voters. For a
32 county, the question shall be submitted at one of the
33 elections specified in section 39.26, subsection 1.
34 For a city, the question shall be submitted at one of
35 the elections specified in section 39.26, subsection
36 2. The proposition of issuing bonds under this
37 subsection is not approved unless the vote in favor of
38 the proposition is equal to at least sixty percent of
39 the vote cast. If a petition is not filed, or if a
40 petition is filed and the proposition of issuing the
41 bonds is approved at an election, the governing body
42 acting on behalf of the issuer may proceed with the
43 authorization and issuance of the bonds. Bonds may be
44 issued for the purpose of refunding outstanding and
45 previously issued bonds under this subsection without
46 otherwise complying with the provisions of this
47 subsection.

48 Sec. 47. Section 422D.1, subsection 2, unnumbered
49 paragraph 1, Code 2001, is amended to read as follows:

50 The taxes for emergency medical services shall only

H-1267

-19-

H-1267

Page 20

1 be imposed after an election at which a majority of
2 those voting on the question of imposing the tax or
3 combination of taxes specified in subsection 1,
4 paragraph "a" or "b", vote in favor of the question.
5 However, the tax or combination of taxes specified in
6 subsection 1 shall not be imposed on property within
7 or on residents of a benefited emergency medical
8 services district under chapter 357F. The question of
9 imposing the tax or combination of the taxes may be
10 submitted at ~~the regular city election, a special~~
11 ~~election, or state general election~~ one of the
12 elections specified in section 39.26, subsection 2.

13 Notice of the question shall be provided by
14 publication at least sixty days before the time of the
15 election and shall identify the tax or combination of
16 taxes and the rate or rates, as applicable. If a
17 majority of those voting on the question approve the
18 imposition of the tax or combination of taxes, the tax
19 or combination of taxes shall be imposed as follows:

20 Sec. 48. Section 422E.2, subsection 2, paragraph
21 a, Code 2001, is amended to read as follows:

22 a. Upon receipt by a county board of supervisors
23 of a petition requesting imposition of a local sales
24 and services tax for infrastructure purposes, signed
25 by eligible electors of the whole county equal in
26 number to five percent of the persons in the whole
27 county who voted at the last preceding state general
28 election, the board shall within thirty days direct
29 the county commissioner of elections to submit the
30 question of imposition of the tax to the registered
31 voters of the whole county at one of the elections
32 specified in section 39.26, subsection 1.

33 Sec. 49. Section 422E.2, subsection 3, Code 2001,
34 is amended to read as follows:

35 3. The county commissioner of elections shall
36 submit the question of imposition of a local sales and
37 services tax for school infrastructure purposes at a
38 ~~state general election or at a special election held~~
39 ~~at any time other than the time of a city regular~~
40 ~~election~~ one of the elections specified in section
41 39.26, subsection 1. ~~The election shall not be held~~
42 ~~sooner than sixty days after publication of notice of~~
43 ~~the ballot proposition.~~ The ballot proposition shall
44 be published at least sixty days before the election.
45 The ballot proposition shall specify the rate of tax,
46 the date the tax will be imposed and repealed, and
47 shall contain a statement as to the specific purpose
48 or purposes for which the revenues shall be expended.
49 The dates for the imposition and repeal of the tax
50 shall be as provided in subsection 1. The rate of tax

H-1267

-20-

H-1267

Page 21

1 shall not be more than one percent as set by the
2 county board of supervisors. The state commissioner
3 of elections shall establish by rule the form for the
4 ballot proposition which form shall be uniform
5 throughout the state.

6 Sec. 50. Section 422E.2, subsection 4, paragraph
7 a, Code 2001, is amended to read as follows:

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

22 Sec. 51. Section 422E.2, subsection 4, paragraph
23 b, unnumbered paragraph 1, Code 2001, is amended to
24 read as follows:

25 Within ten days of the election at which a majority
26 of those voting on the question favors the imposition,
27 repeal, or change in the rate of the tax, the county
28 auditor shall give written notice by sending a copy of
29 the abstract of the votes from the favorable election
30 to the director of revenue and finance of the result
31 of the election. ~~Election~~ The costs of placing the
32 question on the ballot at the election shall be
33 apportioned among school districts within the county
34 on a pro rata basis in proportion to the number of
35 registered voters in each school district and the
36 total number of registered voters in all of the school
37 districts within the county."

By MILLAGE of Scott

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