

JAN 14 2002
STATE GOVERNMENT

HOUSE FILE 2010
BY FALLON

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

A BILL FOR

1 An Act relating to the vote required for passage of certain bond
2 issuances and providing for the Act's applicability.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2010

1 Section 1. Section 28E.41, subsection 3, paragraph a, Code
2 2001, is amended to read as follows:

3 a. A county, city, fire district, or school district may
4 expend funds or issue general obligation bonds for the payment
5 of its share of the cost of constructing, acquiring,
6 furnishing, operating, or maintaining a joint public building
7 pursuant to subsection 1. Section 28E.16 shall apply
8 regarding a single election to be authorized by the board of
9 supervisors, city council, governing body of a fire district,
10 and board of directors of a school district, in the event that
11 a single bond issue throughout the overlapping or contiguous
12 areas, or noncontiguous cities located in the same county or
13 cities located in contiguous counties, is contemplated. If
14 separate bond issues are authorized by the governing body of a
15 county, city, fire district, or school district for its
16 respective share of the cost of the joint public building, the
17 applicable bonding provisions of chapters 74, 75, 296, 298,
18 331, 357B, 359, and 384 shall apply. With regard to any
19 issuance of bonds pursuant to this section, a proposition to
20 authorize an issuance of bonds by a county, city, fire
21 district, or school district shall be deemed carried or
22 adopted if the vote in favor of the proposition is equal to at
23 least ~~sixty-percent~~ a majority of the vote cast for and
24 against the proposition in each participating county, city,
25 fire district, or school district.

26 Sec. 2. Section 75.1, unnumbered paragraph 1, Code 2001,
27 is amended to read as follows:

28 When a proposition to authorize an issuance of bonds by a
29 county, township, school corporation, city, or by any local
30 board or commission, is submitted to the electors, such
31 proposition shall not be deemed carried or adopted, anything
32 in the statutes to the contrary notwithstanding, unless the
33 vote in favor of such authorization is equal to at least ~~sixty~~
34 ~~percent~~ a majority of the total vote cast for and against ~~said~~
35 the proposition at ~~said~~ the election.

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

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

22 Sec. 4. Section 260C.21, Code 2001, is amended to read as
23 follows:

24 260C.21 ELECTION TO INCUR INDEBTEDNESS.

25 No indebtedness shall be incurred under section 260C.19
26 until authorized by an election. A proposition to incur
27 indebtedness and issue bonds for community college purposes
28 shall be deemed carried in a merged area if approved by a
29 ~~sixty-percent~~ majority of all voters voting on the proposition
30 in the area. However, if the costs of utilities are paid by a
31 community college with funds derived from the levy authorized
32 under section 260C.22, the community college may use the
33 general fund moneys that would have been used to pay the costs
34 of utilities for capital expenditures, may invest the funds,
35 or may incur indebtedness without an election, provided that

1 the payments on the indebtedness incurred, and any interest on
2 the indebtedness, can be made using general funds of the
3 community college and the total payments on the principal and
4 interest on the indebtedness do not exceed the amount of the
5 costs of the utilities.

6 Sec. 5. Section 278.1, unnumbered paragraph 2, Code 2001,
7 is amended to read as follows:

8 The board may, with approval of ~~sixty-percent~~ a majority of
9 the voters, voting in a regular or special election in the
10 school district, make extended time contracts not to exceed
11 twenty years in duration for rental of buildings to supplement
12 existing schoolhouse facilities; and where it is deemed
13 advisable for buildings to be constructed or placed on real
14 estate owned by the school district, these contracts may
15 include lease-purchase option agreements, the amounts to be
16 paid out of the physical plant and equipment levy fund.

17 Sec. 6. Section 296.6, Code 2001, is amended to read as
18 follows:

19 296.6 BONDS.

20 If the vote in favor of the issuance of such bonds is equal
21 to at least ~~sixty-percent~~ a majority of the total vote cast
22 for and against ~~said the~~ proposition at ~~said the~~ election, the
23 board of directors shall issue the ~~same~~ bonds and make
24 provision for payment ~~thereof~~ of the bonds.

25 Sec. 7. Section 298.18, unnumbered paragraph 6, Code
26 Supplement 2001, is amended to read as follows:

27 Notice of the election shall be given by the county
28 commissioner of elections according to section 49.53. The
29 election shall be held on a date not less than four nor more
30 than twenty days after the last publication of the notice. At
31 such election the ballot used for the submission of ~~said the~~
32 proposition shall be in substantially the form for submitting
33 special questions at general elections. The county
34 commissioner of elections shall conduct the election pursuant
35 to the provisions of chapters 39 to 53 and certify the results

1 to the board of directors. ~~Such~~ The proposition shall not be
2 deemed carried or adopted unless the vote in favor of such
3 proposition is equal to at least ~~sixty-percent~~ a majority of
4 the total vote cast for and against ~~said~~ the proposition at
5 ~~said~~ the election. Whenever such a proposition has been
6 approved by the voters of a school corporation as hereinbefore
7 provided, no further approval of the voters of such school
8 corporation shall be required as a result of any subsequent
9 change in the boundaries of such school corporation.

10 Sec. 8. Section 331.442, subsection 4, Code 2001, is
11 amended to read as follows:

12 4. The proposition of issuing bonds for a general county
13 purpose is not carried or adopted unless the vote in favor of
14 the proposition is equal to at least ~~sixty-percent~~ a majority
15 of the total vote cast for and against the proposition at the
16 election. If the proposition of issuing the general county
17 purpose bonds is approved by the voters, the board may proceed
18 with the issuance of the bonds.

19 Sec. 9. Section 357C.7, Code 2001, is amended to read as
20 follows:

21 357C.7 ELECTION ON PROPOSED LEVY AND CANDIDATES FOR
22 TRUSTEES.

23 When a preliminary plat has been approved by the board of
24 supervisors, an election shall be held within the district
25 within sixty days to approve or disapprove the levy of a tax
26 of not more than fifty-four cents per thousand dollars of
27 assessed value on all the taxable property within the
28 district, and to choose candidates for the offices of trustees
29 of the district. Notice of the election, including the time
30 and place of holding the same, shall be given in the same
31 manner as for the original public hearing as provided herein.
32 The vote shall be by ballot which shall state clearly the
33 proposition to be voted upon, and any registered voter
34 residing within the district at the time of the election shall
35 be entitled to vote. It shall not be mandatory for the county

1 commissioner of elections to conduct elections held pursuant
2 to this chapter, but they shall be conducted in accordance
3 with the provisions of chapter 49 where not in conflict with
4 this chapter. Judges shall be appointed to serve without pay
5 by the board of supervisors from among the registered voters
6 of the district who will have charge of the election. The
7 proposition shall be deemed to have carried if ~~sixty-percent~~ a
8 majority of those voting thereon vote in favor of same.

9 Sec. 10. Section 357C.10, Code 2001, is amended to read as
10 follows:

11 357C.10 BONDS IN ANTICIPATION OF REVENUE.

12 Benefited street lighting districts may anticipate the
13 collection of taxes by the levy ~~herein~~ provided for in this
14 chapter, and to carry out the purposes of this chapter may
15 issue bonds payable in not more than ten equal installments,
16 with the rate of interest thereon not exceeding that permitted
17 by chapter 74A. No indebtedness shall be incurred under this
18 chapter until authorized by an election. Such election shall
19 be held and notice given in the same manner as the election
20 provided ~~herein~~ in this chapter for the authorization of a tax
21 levy, and ~~the same sixty-percent~~ at least a majority vote
22 shall be necessary to authorize indebtedness. Both
23 propositions may be submitted to the voters in the same
24 election.

25 Sec. 11. Section 357D.8, Code 2001, is amended to read as
26 follows:

27 357D.8 ELECTION ON PROPOSED LEVY AND CANDIDATES FOR
28 TRUSTEES.

29 When a preliminary plat has been approved by the board, an
30 election shall be held within the district within sixty days
31 to approve or disapprove the levy of a tax of not more than
32 one dollar per thousand dollars of assessed value on all the
33 taxable property within the district and to choose candidates
34 for the offices of trustees of the district. Notice of the
35 election, including the time and place of holding the

1 election, shall be given as provided in section 357D.4. The
2 vote shall be by ballot which shall state clearly the
3 proposition to be voted upon and any registered voter residing
4 within the district at the time of the election may vote. It
5 is not mandatory for the county commissioner of elections to
6 conduct elections held pursuant to this chapter, but the
7 elections shall be conducted in accordance with chapter 49
8 where not in conflict with this chapter. Judges shall be
9 appointed to serve without pay by the board from among the
10 registered voters of the district to be in charge of the
11 election. The proposition is approved if sixty-percent a
12 majority of those voting on the proposition vote in favor of
13 it.

14 Sec. 12. Section 357D.11, Code 2001, is amended to read as
15 follows:

16 357D.11 BONDS IN ANTICIPATION OF REVENUE.

17 A district may anticipate the collection of taxes by the
18 levy authorized in this chapter, and to carry out the purposes
19 of this chapter may issue bonds payable in not more than ten
20 equal installments with the rate of interest not exceeding
21 that permitted by chapter 74A. An indebtedness shall not be
22 incurred under this chapter until authorized by an election.
23 The election shall be held and notice given in the same manner
24 as provided in section 357D.8, and ~~the same sixty-percent at~~
25 least a majority vote shall be necessary to authorize
26 indebtedness. Both propositions may be submitted to the
27 voters at the same election.

28 Sec. 13. Section 357F.8, Code 2001, is amended to read as
29 follows:

30 357F.8 ELECTION ON PROPOSED LEVY AND CANDIDATES FOR
31 TRUSTEES.

32 When a preliminary plat has been approved by the board, an
33 election shall be held within the district within sixty days
34 to approve or disapprove the levy of a tax of not more than
35 one dollar per thousand dollars of assessed value on all the

1 taxable property within the district and to choose candidates
2 for the offices of trustees of the district. The ballot shall
3 set out the reason for the tax and the amount needed. The tax
4 shall be set to raise only the amount needed. Notice of the
5 election, including the time and place of holding the
6 election, shall be given as provided in section 357F.4. The
7 vote shall be by ballot which shall state clearly the
8 proposition to be voted upon and any registered voter residing
9 within the district at the time of the election may vote. It
10 is not mandatory for the county commissioner of elections to
11 conduct elections held pursuant to this chapter, but the
12 elections shall be conducted in accordance with chapter 49
13 where not in conflict with this chapter. Judges shall be
14 appointed to serve without pay by the board from among the
15 registered voters of the district to be in charge of the
16 election. The proposition is approved if ~~sixty-percent~~ at
17 least a majority of those voting on the proposition vote in
18 favor of it.

19 Sec. 14. Section 357F.11, Code 2001, is amended to read as
20 follows:

21 357F.11 BONDS IN ANTICIPATION OF REVENUE.

22 A district may anticipate the collection of taxes by the
23 levy authorized in this chapter, and to carry out the purposes
24 of this chapter may issue bonds payable in not more than ten
25 equal installments with the rate of interest not exceeding
26 that permitted by chapter 74A. An indebtedness shall not be
27 incurred under this chapter until authorized by an election.
28 The election shall be held and notice given in the same manner
29 as provided in section 357F.8, and ~~the same sixty-percent~~ at
30 least a majority vote shall be necessary to authorize
31 indebtedness. Both propositions may be submitted to the
32 voters at the same election.

33 Sec. 15. Section 357G.8, Code 2001, is amended to read as
34 follows:

35 357G.8 ELECTION ON PROPOSED LEVY AND CANDIDATES FOR

1 TRUSTEES.

2 When a preliminary plat has been approved by the council,
3 an election shall be held within the district within sixty
4 days to approve or disapprove the levy of a tax of not more
5 than one dollar per thousand dollars of assessed value on all
6 the taxable property within the district and to choose
7 candidates for the offices of trustees of the district. The
8 ballot shall set out the reason for the tax and the amount
9 needed. The tax shall be set to raise only the amount needed.
10 Notice of the election, including the time and place of
11 holding the election, shall be given as provided in section
12 357G.4. The vote shall be by ballot which shall state clearly
13 the proposition to be voted upon and any registered voter
14 residing within the district at the time of the election may
15 vote. It is not mandatory for the county commissioner of
16 elections to conduct elections held pursuant to this chapter,
17 but the elections shall be conducted in accordance with
18 chapter 49 where not in conflict with this chapter. Judges
19 shall be appointed to serve without pay by the council from
20 among the registered voters of the district to be in charge of
21 the election. The proposition is approved if sixty-percent a
22 majority of those voting on the proposition vote in favor of
23 it.

24 Sec. 16. Section 357G.11, Code 2001, is amended to read as
25 follows:

26 357G.11 BONDS IN ANTICIPATION OF REVENUE.

27 A district may anticipate the collection of taxes by the
28 levy authorized in this chapter, and to carry out the purposes
29 of this chapter may issue bonds payable in not more than ten
30 equal installments with the rate of interest not exceeding
31 that permitted by chapter 74A. An indebtedness shall not be
32 incurred under this chapter until authorized by an election.
33 The election shall be held and notice given in the same manner
34 as provided in section 357G.8, and ~~the same sixty-percent~~ at
35 least a majority vote shall be necessary to authorize

1 indebtedness. Both propositions may be submitted to the
2 voters at the same election.

3 Sec. 17. Section 384.26, subsection 4, Code 2001, is
4 amended to read as follows:

5 4. The proposition of issuing general corporate purpose
6 bonds is not carried or adopted unless the vote in favor of
7 the proposition is equal to at least ~~sixty-percent~~ a majority
8 of the total vote cast for and against the proposition at the
9 election. If the proposition of issuing the general corporate
10 purpose bonds is approved by the voters, the city may proceed
11 with the issuance of the bonds.

12 Sec. 18. Section 422B.12, subsection 4, paragraph a,
13 unnumbered paragraph 2, Code Supplement 2001, is amended to
14 read as follows:

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

35 Sec. 19. APPLICABILITY. This Act applies to elections

1 held on or after July 1, 2002.

2 EXPLANATION

3 This bill changes from 60 percent to a majority the vote
4 required for passage of certain bond issuances. A majority is
5 50 percent plus one. The bill applies to bonds issued jointly
6 by a county, city, fire district, or school district for
7 buildings; by a county fair society; by a community college;
8 by a school district; by a county; by a benefited street
9 lighting district; by a law enforcement district; by a county
10 emergency medical services district; by a city emergency
11 medical services district; or by a city. Bonds issued by a
12 city or county includes bonds payable with local option sales
13 tax revenues.

14 The bill applies to elections held on or after July 1,
15 2002.

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