



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

May 30, 2014

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary:

House File 2456, an Act relating to the approval and imposition of the facilities property tax levy and the equipment replacement and program sharing property tax levy for a merged area and including effective date and applicability provisions is hereby disapproved and transmitted to you in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

House File 2456 is hereby disapproved on this date.

HF 2456 gives community college boards authority to continue the Property Tax Facility Levy and the Property Tax Equipment Sharing Levy for up to ten years without voter approval, provided voters have passed the levies in the two previous 10-year cycles. The two levies combined cost a maximum of approximately 27 cents per \$1,000 of valuation.

I am unable to approve House File 2456 for the following reasons:

House File 2456 takes away decision-making power from the voters for property tax increases. Estimates reveal that the amount of property tax dollars at issue are \$9,200,000 in FY 2015, \$11,600,000 in FY 2016, \$12,900,000 in FY 2017, \$15,100,000 in FY 2018 and \$17,800,000 in FY 2019. If this bill was allowed to become law, the voters would not be allowed to vote on these property taxes; instead they would be taxed by resolution of a community college board.

Voters should have the power to approve or disapprove property tax increases or continuing additional levies. When voters get to decide, it helps to hold everyone accountable. Typically, when these measures are on the ballot, they receive voter approval. Voters should have the opportunity to decide this important property tax issue. Decision-making power in the hands of the voters helps for voters, communities and community colleges to work together to best serve the needs of the community.

For the above reasons, I respectfully disapprove of House File 2456, in its entirety, in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad". The signature is written in a cursive style with a large, sweeping initial "T".

TERRY E. BRANSTAD

Governor



House File 2456

AN ACT

RELATING TO THE APPROVAL AND IMPOSITION OF THE FACILITIES
PROPERTY TAX LEVY AND THE EQUIPMENT REPLACEMENT AND PROGRAM
SHARING PROPERTY TAX LEVY FOR A MERGED AREA AND INCLUDING
EFFECTIVE DATE AND APPLICABILITY PROVISIONS.

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

Section 1. Section 260C.15, subsection 1, Code 2014, is amended to read as follows:

1. Regular elections held by the merged area for the election of members of the board of directors as required by section 260C.11 or for any other matter authorized by law and designated for election by the board of directors of the merged area, shall be held on the date of the school election as fixed by section 277.1. However, elections held for the ~~renewal~~ imposition, rate increase, or discontinuance of the twenty and one-fourth cents per thousand dollars of assessed valuation levy authorized in section 260C.22 shall be held either on the date of the school election as fixed by section 277.1 or at a special election held on the second Tuesday in September of the even-numbered year. The election notice shall be made a part of the local school election notice published as provided in section 49.53 in each local school district where voting is to occur in the merged area election and the election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53 and section 277.20.

Sec. 2. Section 260C.22, subsection 1, paragraphs a and b, Code 2014, are amended to read as follows:

a. In addition to the tax authorized under section 260C.17 and upon resolution of the board of directors, the voters in a merged area may at the regular school election or at a

special election held on the second Tuesday in September of the even-numbered year vote a tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value in any one year for a period not to exceed ten years, unless otherwise provided under subsection 2, for the purchase of grounds, construction of buildings, payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries, for the purpose of paying costs of utilities, and for the purpose of maintaining, remodeling, improving, or expanding the community college of the merged area. If the tax levy is approved under this section, the costs of utilities shall be paid from the proceeds of the levy. The tax shall be collected by the county treasurers and remitted to the treasurer of the merged area as provided in section 331.552, subsection 29. The proceeds of the tax shall be deposited in a separate and distinct fund to be known as the voted tax fund, to be paid out upon warrants drawn by the president and secretary of the board of directors of the merged area district for the payment of costs incurred in providing the school facilities for which the tax was ~~voted~~ authorized.

b. In order to make immediately available to the merged area the proceeds of the voted tax ~~hereinbefore~~ authorized to be levied under this section, the board of directors of any such merged area is hereby authorized, without the necessity for any further election, to borrow money and enter into loan agreements in anticipation of the collection of such tax, and such board shall, by resolution, provide for the levy of an annual tax, within the limits of the special voted tax ~~hereinbefore~~ authorized under this section, sufficient to pay the amount of any such loan and the interest thereon to maturity as the same becomes due. A certified copy of this resolution shall be filed with the county auditors of the counties in which such merged area is located, and the filing thereof shall make it a duty of such auditors to enter annually this levy for collection until funds are realized to repay the loan and interest thereon in full. Said loan ~~must mature within the number of years for which the tax has been voted and~~ shall bear interest at a rate or rates not exceeding that permitted by chapter 74A. Any loan agreement entered into pursuant to authority herein contained shall be in such form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and

interest from the proceeds of the annual levy of the voted tax ~~hereinbefore~~ authorized under this section, or so much thereof as will be sufficient to pay the loan and interest thereon. In furtherance of the foregoing the board of directors of such merged area may, with or without notice, negotiate and enter into a loan agreement or agreements with any bank, investment banker, trust company, insurance company or group thereof, whereunder the borrowing of the necessary funds may be assured and consummated. The proceeds of such loan shall be deposited in a special fund, to be kept separate and apart from all other funds of the merged area, and shall be paid out upon warrants drawn by the president and secretary of the board of directors to pay the cost of acquiring the school facilities for which the tax was ~~voted~~ authorized.

Sec. 3. Section 260C.22, subsections 2 and 3, Code 2014, are amended by striking the subsections and inserting in lieu thereof the following:

2. Following approval of the tax at two consecutive elections under subsection 1 where the question of imposing the tax appeared on the ballot, if the tax has been imposed for a period of at least twenty consecutive years, the board of directors of the merged area may, by resolution adopted at any time before the end of the most recently authorized period of time for imposing the tax, continue to impose the voted tax each year for an additional period not to exceed ten years at a rate not to exceed the maximum rate approved at election until the tax is discontinued or the maximum rate is increased following an election pursuant to subsection 3. An increase in the maximum rate of the voted tax, not to exceed the maximum rate specified in subsection 1, shall be approved at election pursuant to the requirements of subsection 3.

3. A voted tax imposed under this section may be discontinued, or its maximum rate increased, by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct the county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the voted tax under this section or to increase the maximum rate of the voted tax, whichever is applicable. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last

preceding election in the merged area where the question of the imposition of the tax appeared on the ballot and received by the board of directors by June 1 of the year in which the election is to be held. The question shall be submitted at an election held on a date authorized for an election under subsection 1, paragraph "a". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the tax favors discontinuance, the board shall not impose the tax for any fiscal year beginning after expiration of the period of time for imposing the tax approved at the last election under subsection 1 or the period of time for imposing the tax established by resolution of the board under subsection 2 that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the voted tax is again authorized at election under subsection 1. If the question of whether to discontinue the authority of the board of directors to impose the tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date of the election. If a majority of those voting on the question to increase the maximum rate of the voted tax favors the proposed increase, the new maximum rate shall apply to fiscal years beginning after the date of the election.

Sec. 4. Section 260C.22, subsection 4, Code 2014, is amended by striking the subsection.

Sec. 5. Section 260C.28, subsection 3, Code 2014, is amended to read as follows:

3. a. If the board of directors wishes to certify for a levy under subsection 2, the board shall direct the county commissioner of elections to submit the question of such authorization for the board at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors authorization of the board to make such a levy, the board may certify for a levy as provided under subsection 2 during each of the ten years following the election, unless otherwise authorized under paragraph "b". If a majority of those voting on the question at the election does not favor authorization of the board to make a levy under subsection 2, the board may submit the question to the voters again at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

b. Following approval of the additional tax authorized

under subsection 2 at two consecutive elections under paragraph "a" where the question of imposing the additional tax appeared on the ballot, if the additional tax has been imposed for a period of at least twenty consecutive years and either the period of time for imposing the additional tax approved at the last election under paragraph "a" or the period of time for imposing the tax established previously by resolution under this paragraph "b" is due to expire, the board of directors of the merged area may, by resolution, continue to impose the additional tax each year for an additional period not to exceed ten years at a rate not to exceed the maximum rate authorized under subsection 2, until the tax is discontinued following an election pursuant to paragraph "c".

c. The additional tax authorized under subsection 2 may be discontinued by petition and election. Upon receipt of a petition containing the required number of signatures, the board of directors of a merged area shall direct the county commissioner of elections responsible under section 47.2 for conducting elections in the merged area to submit to the voters of the merged area the question of whether to discontinue the authority of the board of directors to impose the additional tax under subsection 2. The petition must be signed by eligible electors equal in number to not less than twenty-five percent of the votes cast at the last preceding election in the merged area where the question of the imposition of the additional tax appeared on the ballot. The question shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question of discontinuance of the board of directors' authority to impose the additional tax favors discontinuance, the board shall not impose the additional tax for any fiscal year beginning after the expiration of the period of time for imposing the tax approved at the last election under paragraph "a" or the period of time for imposing the additional tax established by resolution of the board under paragraph "b" that is in effect on the date the petition for the election is filed with the board, whichever is applicable, unless following discontinuance the additional tax is again authorized at election under paragraph "a". If the question of whether to discontinue the authority of the board of directors to impose the additional tax fails to gain approval at election, the question shall not be submitted to the voters of the merged area for a period of ten years following the date

of the election.

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

Sec. 7. APPLICABILITY.

1. This Act applies to merged area voted taxes under section 260C.22 in effect on the effective date of this Act and merged area voted taxes approved at election under section 260C.22 on or after the effective date of this Act.

2. This Act applies to merged area taxes under section 260C.28, subsections 2 and 3, in effect on the effective date of this Act and merged area taxes approved at election under section 260C.28, subsection 3, on or after the effective date of this Act.



KRAIG PAULSEN

Speaker of the House



PAM JOCHUM

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2456, Eighty-fifth General Assembly.



CARMINE BOAL

Chief Clerk of the House

~~Disapproved~~
Approved May 30, 2014



TERRY E. BRANSTAD

Governor