

Reprinted

FILED 3/31/92

SENATE FILE 2119

BY KIBBIE, PETERSON, and
VANDE HOEF

Passed Senate, Date 3/16/92 (p. 721) Passed House, Date 3/31/92 (P954)
Vote: Ayes 79 Nays 0 Vote: Ayes 96 Nays 0
Approved April 21, 1992

A BILL FOR

1 An Act relating to essential county purposes and the use of
2 general obligation bonds for funding of local water services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2119

5/24/1991

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 subparagraph (12), Code 1991, is amended to read as follows:

3 (12) Funding the acquisition, construction,
4 reconstruction, improvement, repair, and equipping of
5 waterworks, water mains and extensions, ponds, reservoirs,
6 capacity, wells, dams, pumping installations, real and
7 personal property, or other facilities available or used for
8 the storage, transportation, or utilization of potable water
9 owned-and-operated-by-a-rural-water-district-established
10 pursuant-to-chapter-357A,-only-when-the-rural-water-district
11 and-a-sufficient-number-of-participating-members-have-entered
12 into-agreements-which-satisfy-the-board-of-supervisors-that
13 sufficient-revenue-to-retire-the-principal-and-interest-on-the
14 county-general-obligation-bonds-will-be-generated-by-the-rural
15 water-district,-and-the-rural-water-district-and-the-board-of
16 supervisors-have-agreed-that-the-interest-and-principal-on-the
17 county-general-obligation-bonds-will-be-retired-from-the-rural
18 water-district-revenues.

19 if-the-rural-water-district-revenues-are-insufficient-to
20 pay-the-principal-and-interest-on-the-county's-general
21 obligation-bonds,-the The county's debt service tax levy for
22 the county general obligation bonds shall not be levied
23 against property located in any city except a city which has
24 entered into the a chapter 28E agreement with the-rural a
25 water district supplier.

26 The county and the cities entering into the-rural a water
27 district supplier agreement may shall provide in the agreement
28 for a different rate of the county's debt service tax levy
29 against benefited and nonbenefited property in unincorporated
30 areas of the county and property within those cities.

31 EXPLANATION

32 This bill changes the process by which a county may issue
33 general obligation bonds for the funding of water projects
34 pursuant to chapter 33i. Current law provides that a debt
35 service tax levy for the bonds cannot be levied against city

1 property except pursuant to a chapter 28E agreement. This
2 bill provides that a water supplier and water supplier
3 agreements shall provide for a different rate of tax levy
4 against benefited and nonbenefited property so as not to tax
5 those who do not receive the water benefits.

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SENATE FILE 2119

S-5134

Amend Senate File 2119 as follows:

1. Page 1, by striking lines 2 through 30 and inserting the following: "subparagraph (12), Code 1991, is amended by striking the subparagraph and inserting in lieu thereof the following:

(12) Funding the acquisition, construction, reconstruction, improvement, repair, or equipping of waterworks, water mains and extensions, ponds, reservoirs, capacity, wells, dams, pumping installations, real and personal property, or other facilities available or used for the storage, transportation, or utilization of water.

(a) The county may, upon written petition of a water supplier, established under chapter 357A or 504A, designate the territory of the water supplier as a special taxing district. The county's debt service tax levy for county general obligation bonds issued for the purposes set out in this subparagraph shall be levied only against real property within the county which is included within the boundaries of the special taxing district. A property not presently included within the boundaries of the special taxing district may petition to be included in the district subsequent to its establishment.

(b) As an alternative to the process described in the preceding subparagraph subdivision, the county may issue its general obligation bonds for the purposes on a county-wide basis.

(c) General obligation bonds for the purposes outlined in this subparagraph are subject to the right of petition for an election as provided in section 331.442, subsection 5, paragraphs "a", "b", and "c", without limitation on the amount of the bond issue or the size of the county, and the board shall include notice of the right of petition in the notice required.

(d) A county and a city entering into a water supplier agreement shall provide in the agreement for a different rate of the county's debt service tax levy against benefited and nonbenefited property."

By COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5134 FILED MARCH 4, 1992

Adopted 3/12/92 (p. 15)

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 subparagraph (12), Code 1991, is amended by striking the
3 subparagraph and inserting in lieu thereof the following:

4 (12) Funding the acquisition, construction,
5 reconstruction, improvement, repair, or equipping of
6 waterworks, water mains and extensions, ponds, reservoirs,
7 capacity, wells, dams, pumping installations, real and
8 personal property, or other facilities available or used for
9 the storage, transportation, or utilization of water.

10 (a) The county may, upon written petition of a water
11 supplier, established under chapter 357A or 504A, designate
12 the territory of the water supplier as a special taxing
13 district. The county's debt service tax levy for county
14 general obligation bonds issued for the purposes set out in
15 this subparagraph shall be levied only against real property
16 within the county which is included within the boundaries of
17 the special taxing district. A property not presently
18 included within the boundaries of the special taxing district
19 may petition to be included in the district subsequent to its
20 establishment.

21 (b) As an alternative to the process described in the
22 preceding subparagraph subdivision, the county may issue its
23 general obligation bonds for the purposes on a county-wide
24 basis.

25 (c) General obligation bonds for the purposes outlined in
26 this subparagraph are subject to the right of petition for an
27 election as provided in section 331.442, subsection 5,
28 paragraphs "a", "b", and "c", without limitation on the amount
29 of the bond issue or the size of the county, and the board
30 shall include notice of the right of petition in the notice
31 required.

32 (d) A county and a city entering into a water supplier
33 agreement shall provide in the agreement for a different rate
34 of the county's debt service tax levy against benefited and
35 nonbenefited property.

SENATE FILE 2119

H-5591

1 Amend Senate File 2119, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the word "may,"
4 and inserting the following: "board of supervisors
5 may on its own motion or".

6 2. Page 1, line 12, by striking the words "of the
7 water supplier" and inserting the following: "to be
8 served".

9 3. Page 1, by striking lines 21 through 24.

10 4. By renumbering as necessary.

By BLACK of Jasper

MUHLBAUER of Crawford

DVORSKY of Johnson

ROYER of Page

H-5591 FILED MARCH 30, 1992

Adopted 3/21 (p. 954)

HOUSE AMENDMENT TO
SENATE FILE 2119

S-5505

1 Amend Senate File 2119, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the word "may,"
4 and inserting the following: "board of supervisors
5 may on its own motion or".

6 2. Page 1, line 12, by striking the words "of the
7 water supplier" and inserting the following: "to be
8 served".

9 3. Page 1, by striking lines 21 through 24.

10 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5505 FILED APRIL 2, 1992

Senate concurred 4/6 (p. 1242)

SENATE FILE 2119

AN ACT

RELATING TO ESSENTIAL COUNTY PURPOSES AND THE USE OF GENERAL
OBLIGATION BONDS FOR FUNDING OF LOCAL WATER SERVICES.

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

Section 1. Section 331.441, subsection 2, paragraph b, subparagraph (12), Code 1991, is amended by striking the subparagraph and inserting in lieu thereof the following:

(12) Funding the acquisition, construction, reconstruction, improvement, repair, or equipping of waterworks, water mains and extensions, ponds, reservoirs, capacity, wells, dams, pumping installations, real and personal property, or other facilities available or used for the storage, transportation, or utilization of water.

(a) The county board of supervisors may on its own motion or upon written petition of a water supplier, established under chapter 357A or 504A, designate the territory to be served as a special taxing district. The county's debt service tax levy for county general obligation bonds issued for the purposes set out in this subparagraph shall be levied only against real property within the county which is included within the boundaries of the special taxing district. A property not presently included within the boundaries of the special taxing district may petition to be included in the district subsequent to its establishment.

(b) General obligation bonds for the purposes outlined in this subparagraph are subject to the right of petition for an election as provided in section 331.442, subsection 5, paragraphs "a", "b", and "c", without limitation on the amount of the bond issue or the size of the county, and the board shall include notice of the right of petition in the notice required.

(c) A county and a city entering into a water supplier agreement shall provide in the agreement for a different rate of the county's debt service tax levy against benefited and nonbenefited property.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2119, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 21, 1992

TERRY E. BRANSTAD
Governor