

#- 3/13/98 Local Gov
H-3/20/98 Amend/Bo Pass
W/H- 8529

FILED FEB 18 1998
H-3/2/98 UNFINISHED BUSINESS CALENDAR

SENATE FILE 2268
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 2133)

Passed Senate, Date 3-12-98 (p. 684) Passed House, Date 4-9-98 (p. 1427)
Vote: Ayes 44 Nays 0 Vote: Ayes 90 Nays 2

Approved May 6, 1998
(p. 1225) Concurred 4-14-98
Vote 48-0

A BILL FOR

1 An Act relating to rural water services by authorizing rural
2 water districts to enter into agreements with other
3 governmental entities to provide for the ownership,
4 acquisition, construction, and equipping of sewer systems, and
5 authorizing the issuance of revenue obligations to finance the
6 projects and providing procedures for detaching property from
7 one district and attaching it to another district.

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

9

SENATE FILE 2268

H-8529

1 Amend Senate File 2268, as passed by the Senate, as
2 follows:
3 1. Page 1, line 31, by striking the figure "504B"
4 and inserting the following: "504A".

BY COMMITTEE ON LOCAL GOVERNMENT
VANDE HOEF of Osceola, Chairperson

H-8529 FILED MARCH 20, 1998

Adopted 4-9-98
(p. 1426)

SF. 2268

HOUSE AMENDMENT TO
SENATE FILE 2268

S-5600

1 Amend Senate File 2268, as passed by the Senate, as
2 follows:
3 1. Page 1, line 31, by striking the figure "504B"
4 and inserting the following: "504A".

RECEIVED FROM THE HOUSE

S-5600 FILED APRIL 9, 1998

Senate Concurred 4/14/98 (p. 1225)

UNFINISHED BUSINESS

1 Section 1. Section 357A.11, subsection 11, Code 1997, is
2 amended to read as follows:

3 11. Have authority to execute an agreement with a
4 governmental entity, including a county, city, sanitary sewer
5 district, or another district, for purposes of managing or
6 administering the ~~governmental~~-entity's works, facilities, or
7 waterways which are useful for the collection, disposal, or
8 treatment of wastewater or sewage and which are located within
9 the jurisdiction of the governmental entity or the district.

10 The board may do what is necessary to carry out the agreement,
11 including but not limited to any of the following:

12 a. Owning or acquiring by gift, lease, purchase, or grant
13 any interest in real or personal property.

14 b. Constructing, operating, maintaining, repairing,
15 improving, or equipping any of the works, facilities, or
16 waterways.

17 c. Financing all or part of the cost of acquiring,
18 constructing, maintaining, repairing, improving, or equipping
19 any works, facilities, or waterways, or refinancing all or
20 part of the cost. The financing or refinancing shall be
21 accomplished in accordance with the terms and procedures set
22 forth in the applicable provisions of sections 384.24A, 384.83
23 through 384.88, 384.92, and 384.93. References in those
24 sections to a city shall be applicable to a district and
25 references in those sections to a governing body or a city
26 council shall be applicable to the district's board.

27 Sec. 2. NEW SECTION. 357A.24 DETACHMENT AND ATTACHMENT
28 OF AREAS BETWEEN DISTRICTS.

29 1. The boards of two or more districts, or the boards of
30 any district and a rural water system organized under chapter
31 504B, may by concurrent action or agreement join in a petition
32 to detach an area which is not being served by the facilities
33 of one district or system for purposes of being attached to
34 the other district or system. The concurrent action or
35 agreement may include conditions placed on the effectiveness

1 of the concurrent action or agreement as deemed appropriate by
2 the boards of the districts.

3 2. The petition shall be filed with the auditor of the
4 county in which the area to be detached is located. The
5 petition shall include all of the following regarding the area
6 which is the subject of the petition:

7 a. A description by section, or fraction thereof, and by
8 township and range of the area, in the same manner as provided
9 in section 357A.16.

10 b. A verification that the area is not being served by the
11 facilities of any district.

12 c. A statement asserting that the area can be adequately
13 and economically served by the facilities of the district
14 proposing to attach the area.

15 3. Upon filing the petition, the auditor shall prepare for
16 a hearing on the petition by following the same procedures as
17 provided in section 357A.3. The notice of the hearing shall
18 include all of the following:

19 a. The location of the area subject to the petition.

20 b. The time and place of the hearing as established by the
21 board of supervisors for the county in which the area to be
22 detached is located.

23 c. That all owners or tenants of real property within the
24 boundaries of the area may appear and be heard.

25 4. After the hearing the board of supervisors shall order
26 that the area subject to the petition be detached from one
27 district and attached to the other district, if the board
28 determines that all of the following have been satisfied:

29 a. The petition meets the requirements of this section.

30 b. The information included in the petition is accurate.

31 c. Notice required in this section has been provided.

32 d. The detachment and attachment is in the best interest
33 of the residents of the area subject to the petition.

34 The order shall be published in the same newspaper which
35 published the notice of the hearing.

1 5. This section does not preclude any procedure for
2 detaching an area from or attaching an area to a district as
3 otherwise provided by law, including this chapter.

4 EXPLANATION

5 This bill amends Code section 357A.11, which provides rural
6 water districts with authority to execute agreements with
7 governmental entities for purposes of managing or
8 administering infrastructure used in the collection, disposal,
9 or treatment of wastewater or sewage.

10 This bill provides that a rural water district may execute
11 an agreement with a sanitary sewer district. The bill also
12 provides that in carrying out the agreement, the board of the
13 district may own or acquire an interest in real property;
14 provide for construction, maintenance, and improvement of the
15 facilities; and finance all or part of the construction,
16 maintenance, or improvement costs.

17 The bill also provides for a procedure for rural water
18 districts, or rural water districts and nonprofit
19 organizations which operate rural water systems, to detach an
20 area from one district and attach it to another district or
21 system. The petition must be filed in the county where the
22 area in the petition is located. The county board of
23 supervisors for the county must approve the petition after a
24 public hearing, after determining that detachment and
25 attachment is in the best interest of the residents of the
26 area. The bill provides procedures for filing the petition
27 and conducting the hearing.

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Angelo
Boettger
Fraise

SSB-2133

Local Government

Succeeded By

SENATE FILE SB/HF 2268
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON ZIEMAN)

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

A BILL FOR

1 An Act relating to rural water services by authorizing rural
2 water districts to enter into agreements with other
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4 acquisition, construction, and equipping of sewer systems, and
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8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 357A.11, subsection 11, Code 1997, is
2 amended to read as follows:

3 11. Have authority to execute an agreement with a
4 governmental entity, including a county, city, sanitary sewer
5 district, or another district, for purposes of managing or
6 administering the ~~governmental~~-entity's works, facilities, or
7 waterways which are useful for the collection, disposal, or
8 treatment of wastewater or sewage and which are located within
9 the jurisdiction of the governmental entity or the district.

10 The board may do what is necessary to carry out the agreement,
11 including but not limited to any of the following:

12 a. Owning or acquiring by gift, lease, purchase, or grant
13 any interest in real or personal property.

14 b. Constructing, operating, maintaining, repairing,
15 improving, or equipping any of the works, facilities, or
16 waterways.

17 c. Financing all or part of the cost of acquiring,
18 constructing, maintaining, repairing, improving, or equipping
19 any works, facilities, or waterways, or refinancing all or
20 part of the cost. The financing or refinancing shall be
21 accomplished in accordance with the terms and procedures set
22 forth in the applicable provisions of sections 384.24A, 384.83
23 through 384.88, 384.92, and 384.93. References in those
24 sections to a city shall be applicable to a district and
25 references in those sections to a governing body or a city
26 council shall be applicable to the district's board.

27 Sec. 2. NEW SECTION. 357A.24 DETACHMENT AND ATTACHMENT
28 OF AREAS BETWEEN DISTRICTS.

29 1. The boards of two or more districts, or the boards of
30 any district and a rural water system organized under chapter
31 504B, may by concurrent action or agreement join in a petition
32 to detach an area which is not being served by the facilities
33 of one district or system for purposes of being attached to
34 the other district or system. The concurrent action or
35 agreement may include conditions placed on the effectiveness

1 of the concurrent action or agreement as deemed appropriate by
2 the boards of the districts.

3 2. The petition shall be filed with the auditor of the
4 county in which the area to be detached is located. The
5 petition shall include all of the following regarding the area
6 which is the subject of the petition:

7 a. A description by section, or fraction thereof, and by
8 township and range of the area, in the same manner as provided
9 in section 357A.16.

10 b. A verification that the area is not being served by the
11 facilities of any district.

12 c. A statement asserting that the area can be adequately
13 and economically served by the facilities of the district
14 proposing to attach the area.

15 3. Upon filing the petition, the auditor shall prepare for
16 a hearing on the petition by following the same procedures as
17 provided in section 357A.3. The notice of the hearing shall
18 include all of the following:

19 a. The location of the area subject to the petition.

20 b. The time and place of the hearing as established by the
21 board of supervisors for the county in which the area to be
22 detached is located.

23 c. That all owners or tenants of real property within the
24 boundaries of the area may appear and be heard.

25 4. After the hearing the board of supervisors shall order
26 that the area subject to the petition be detached from one
27 district and attached to the other district, if the board
28 determines that all of the following have been satisfied:

29 a. The petition meets the requirements of this section.

30 b. The information included in the petition is accurate.

31 c. Notice required in this section has been provided.

32 d. The detachment and attachment is in the best interest
33 of the residents of the area subject to the petition.

34 The order shall be published in the same newspaper which
35 published the notice of the hearing.

1 5. This section does not preclude any procedure for
2 detaching an area from or attaching an area to a district as
3 otherwise provided by law, including this chapter.

4 EXPLANATION

5 This bill amends Code section 357A.11, which provides rural
6 water districts with authority to execute agreements with
7 governmental entities for purposes of managing or
8 administering infrastructure used in the collection, disposal,
9 or treatment of wastewater or sewage.

10 This bill provides that a rural water district may execute
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13 district may own or acquire an interest in real property;
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22 area in the petition is located. The county board of
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24 public hearing, after determining that detachment and
25 attachment is in the best interest of the residents of the
26 area. The bill provides procedures for filing the petition
27 and conducting the hearing.

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SENATE FILE 2268

AN ACT

RELATING TO RURAL WATER SERVICES BY AUTHORIZING RURAL WATER DISTRICTS TO ENTER INTO AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES TO PROVIDE FOR THE OWNERSHIP, ACQUISITION, CONSTRUCTION, AND EQUIPPING OF SEWER SYSTEMS, AND AUTHORIZING THE ISSUANCE OF REVENUE OBLIGATIONS TO FINANCE THE PROJECTS AND PROVIDING PROCEDURES FOR DETACHING PROPERTY FROM ONE DISTRICT AND ATTACHING IT TO ANOTHER DISTRICT.

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

Section 1. Section 357A.11, subsection 11, Code 1997, is amended to read as follows:

11. Have authority to execute an agreement with a governmental entity, including a county, city, sanitary sewer district, or another district, for purposes of managing or administering the governmental entity's works, facilities, or waterways which are useful for the collection, disposal, or treatment of wastewater or sewage and which are located within the jurisdiction of the governmental entity or the district. The board may do what is necessary to carry out the agreement, including but not limited to any of the following:

a. Owning or acquiring by gift, lease, purchase, or grant any interest in real or personal property.

b. Constructing, operating, maintaining, repairing, improving, or equipping any of the works, facilities, or waterways.

c. Financing all or part of the cost of acquiring, constructing, maintaining, repairing, improving, or equipping any works, facilities, or waterways, or refinancing all or part of the cost. The financing or refinancing shall be accomplished in accordance with the terms and procedures set forth in the applicable provisions of sections 384.24A, 384.83 through 384.88, 384.92, and 384.93. References in those

sections to a city shall be applicable to a district and references in those sections to a governing body or a city council shall be applicable to the district's board.

Sec. 2. NEW SECTION. 357A.24 DETACHMENT AND ATTACHMENT OF AREAS BETWEEN DISTRICTS.

1. The boards of two or more districts, or the boards of any district and a rural water system organized under chapter 504A, may by concurrent action or agreement join in a petition to detach an area which is not being served by the facilities of one district or system for purposes of being attached to the other district or system. The concurrent action or agreement may include conditions placed on the effectiveness of the concurrent action or agreement as deemed appropriate by the boards of the districts.

2. The petition shall be filed with the auditor of the county in which the area to be detached is located. The petition shall include all of the following regarding the area which is the subject of the petition:

a. A description by section, or fraction thereof, and by township and range of the area, in the same manner as provided in section 357A.16.

b. A verification that the area is not being served by the facilities of any district.

c. A statement asserting that the area can be adequately and economically served by the facilities of the district proposing to attach the area.

3. Upon filing the petition, the auditor shall prepare for a hearing on the petition by following the same procedures as provided in section 357A.3. The notice of the hearing shall include all of the following:

a. The location of the area subject to the petition.

b. The time and place of the hearing as established by the board of supervisors for the county in which the area to be detached is located.

c. That all owners or tenants of real property within the boundaries of the area may appear and be heard.

4. After the hearing the board of supervisors shall order that the area subject to the petition be detached from one

district and attached to the other district, if the board determines that all of the following have been satisfied:

- a. The petition meets the requirements of this section.
- b. The information included in the petition is accurate.
- c. Notice required in this section has been provided.
- d. The detachment and attachment is in the best interest of the residents of the area subject to the petition.

The order shall be published in the same newspaper which published the notice of the hearing.

5. This section does not preclude any procedure for detaching an area from or attaching an area to a district as otherwise provided by law, including this chapter.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2268, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved 5/6, 1998

TERRY E. BRANSTAD
Governor