February 7, 1961.
Passed on File.

Senate File 191
By O'MALLEY.

Passed Senate, Date 2-24-61 Passed House, Date 4-26-61
Vote: Ayes 42 Nays 0 Vote: Ayes 93 Nays 0
Approved 5-3-61
Senate Concurred 4/28/61 - 49-0

A BILL FOR

An Act to amend, clarify, broaden and improve the laws of the state of Iowa concerning municipalities; especially relating to sanitary sewer systems, by amending chapter three hundred ninety-three (393), Code 1958, relating to sewer rentals.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section three hundred ninety-three point one
2 (393.1), Code 1958, is amended by inserting immediately
3 following the word "works" in line five (5) of said section
4 the words, "or is contracting with an adjoining or nearby
5 municipality for the use of all or part of the sanitary sewer
6 system of said other municipality,".

1 Sec. 2. Section three hundred ninety-three point seven
2 (393.7), Code 1958, is hereby repealed and the following
3 enacted in lieu thereof:
4 "Said sewer rentals, charges or rates may supplant or
5 replace, in whole or in part, any millage levy taxes which may
6 be, or have been, authorized by resolution of the council of
7 the municipality for any of the following purposes:
8 "1. To meet interest and principal payments on bonds
9 legally authorized for the financing of such sanitary utilities
10 in any manner;
11 "2. To pay any costs of the construction, maintenance or
12 repair of such sanitary facilities or utilities, including
13 payments to be made under any contract between municipalities

14 for either the joint use of sewerage or sewage facilities, or
15 for the use by one municipality of all or a part of the sewerage
16 of sewer system of another municipality.
17 "And when such sewer rental ordinance has been passed and
18 put into effect, prior ordinances or resolutions providing for
19 millage taxes against real and personal property for such
20 purposes, or the portion thereof replaced, may be rescinded,
21 repealed or rendered inactive.".
1 Sec. 3. Section three hundred ninety-three point eight
2 (393.8), Code 1958 is hereby repealed and the following
3 enacted in lieu thereof:
4 "Any and all funds, rentals, charges or rates collected
5 under the provisions of this chapter shall be remitted or
6 turned over to the city treasurer, at regularly established
7 intervals by the officer charged with their collection and all
8 such collections shall be kept in a separate and distinct part
9 of the Sanitation Fund, to be known as the 'Sewer Rentals Fund'
10 and disbursed only for the purposes set forth, either expressly
11 or by reference, in this chapter, as such purposes may be
12 further limited by the town or city council pursuant to
13 ordinance duly adopted thereby.".

SENATE FILE 191

1 Amend Senate File 191, section 3, line 3, by
2 striking "enaced" and inserting in lieu thereof "enacted".

Filed and adopted
February 24, 1961.

By O'MALLEY.

SENATE FILE 191

Adopted 4/26/61

Senate Concurred 4/28/61

Senate File 191 is amended as follows:

1. By adding the following new sections:

"Sec. 4. Any municipality in which is located a state institution of higher learning under the control of the board of regents may purchase a privately owned waterworks and its entire distribution system, including such portions of the system which are located in nearby or adjacent municipalities and areas. Any such municipality shall finance, maintain and operate such waterworks under the provisions of chapters three hundred ninety-seven (397), three hundred ninety-eight (398) and three hundred ninety-nine (399), where applicable, except as otherwise provided in sections five (5) through eight (8) of this Act.

"Sec. 5. When any such municipality described in section four (4) of this Act purchases a waterworks, any right, title or interest in the waterworks property may be transferred to such municipality including property located in nearby or adjacent municipalities and areas. Such municipality is hereby authorized to acquire any right, title or interest of such waterworks property.

"Sec. 6. Any such municipality described in section four (4) of this Act which purchases a privately owned waterworks may contract with persons, corporations and municipalities located in nearby or adjacent areas to provide water services and extensions of water services to such areas. The provisions of section three hundred ninety-seven point twenty-seven (397.27) of the Code shall not apply to such municipalities.

"Sec. 7. Any contract for water services between the municipalities described in section six (6) of this Act shall not become effective until the following procedures have been followed:

1. The proposed contract shall be adopted by the council of both municipalities.

2. Notice of the adoption of such contract shall be published in at least one newspaper of general circulation in the county where the municipalities are located at least once each week for two consecutive weeks. Such notice shall set forth the terms of the proposed contract.

3. If within twenty days of the first publication of the notice, a petition is filed with the clerk of either municipality requesting that the question of whether to approve such proposed contract be submitted to an election, such election shall be held in the municipality whose qualified voters make such petition. The petition must be signed by a number of qualified voters of such municipality at least equal to twenty percent of the votes cast by such municipality for governor at the last general election. Notice and time of such election shall be governed by section three hundred ninety-seven point seven (397.7) of the Code. The contract shall become effective only if a majority of the votes cast in such election are in favor of such contract.

4. If a petition is not filed within twenty days as provided in subsection three (3) of this section, the contract shall become effective without a vote of the electors.

"Sec. 8. Cities and towns which are located nearby or adjacent to institutions under the control of the state board of regents shall have power to acquire, own, construct, establish, purchase, maintain, alter and operate a waterworks plant, distribution lines, or any part thereof, in cooperation with any institution under the control of the state board of regents, located nearby or adjacent to said city or town, and receive from any such state controlled institution, financial grants and assistance for the purchase, construction, operation, and maintenance of such waterworks utility, and to serve said state controlled institution as a customer upon such terms and conditions as may be made between such institution and the city or town, and to do all acts necessary for carrying out the purposes of this section, whether said state controlled institution and the waterworks utility or any part thereof, lies within or without the corporate limits of any such city or town, and to finance the cost thereof by the issuance of bonds under the provisions of chapters three hundred ninety-seven (397), three hundred ninety-eight (398) and three hundred ninety-nine (399), as the same may be applicable."

2. By striking all of the title after the word "concerning" in line two (2) and inserting in lieu thereof the following: "municipal sanitary sewer and waterworks systems."

Filed
April 24, 1961.

SWISHER of Johnson.