

February 5, 1969

HOUSE FILE 183

Cities and Towns, *Passed as amended 3-10*
Sen. " " " 3-26, Pass 4-22

By LIPSKY

Passed House, Date *3-21-69* Passed Senate, Date *5-15-69*

Vote: Ayes *102* Nays *13* Vote: Ayes *40* Nays *2*

Approved *May 22, 1969*

A BILL FOR

1 An Act providing for issuing of general obligation bonds by
2 cities and towns to pay for the removal of dead or dis-
3 eased trees on public property.

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

5 Section 1. Section three hundred sixty-eight point thirty-
6 two (368.32), Code 1966, is amended by adding to the end
7 thereof the following:

8 "Where the municipality bears all, or part, of the cost of
9 removal of trees on public property it is authorized to contract
10 indebtedness and to issue general obligation bonds to provide
11 funds to pay the costs incurred. Taxes for the payment of
12 said bonds shall be levied in accordance with chapter seventy-
13 six (76) and said bonds shall be payable through the debt
14 service fund in not more than five years, and bear interest
15 at a rate not exceeding five percent per annum, and shall be
16 of such form as the city or town council shall by resolution
17 provide. The indebtedness incurred for the purpose provided
18 in this section shall not be considered an indebtedness in-
19 curred for general or ordinary purposes."

EXPLANATION OF HOUSE FILE 183

Because of the massive costs involved in the removal of dead and diseased elm trees from public property as a result of the spread of Dutch elm disease, municipalities have found it impossible to secure current funds sufficient to accomplish the necessary removal. Failure to remove trees on public property subjects the city to substantial liability in the event of personal or property damage resulting from fallen limbs or trees. Authorization is sought for the issuance of general obligation bonds to permit cities and towns to remove these trees and eliminate their exposure to this liability.

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- 1 Amend House File 183 by inserting after line nineteen (19) the
 - 2 following:
 - 3 "This section shall be construed as granting additional power
 - 4 without limiting the power already existing in cities and towns.
 - 5 "The provisions of this section shall be applicable to all
 - 6 municipal coporations regardless of form of government or manner
 - 7 of incorporation."

Filed - *adopted 3-21*
March 10, 1969

COMMITTEE ON CITIES AND TOWNS
RAY C. CUNNINGHAM, Chairman

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- 1 Amend House File 183 by inserting in line 9 after the
 - 2 word "removal" the words "and replacement".

Filed - *adopted 3-21*

February 13, 1969

BLOUIN of Dubuque

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- 1 Amend House File 183 as follows:
 - 2 Line fifteen (15) by striking the word "five" and
 - 3 inserting in lieu thereof the word "six".

Filed and adopted
March 21, 1969

McINTYRE of Linn

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- 1 Amend the title to House File 183 by striking
 - 2 all after the word "Act" and inserting in lieu
 - 3 thereof the following: "relating to the removal and
 - 4 replacement of diseased elm trees on public property,
 - 5 and authorizing cities and towns to issue general
 - 6 obligation bonds to cover the cost thereof."

Filed and adopted
March 21, 1969

LIPSKY of Linn

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- 1 Amend House File 183 as follows: By adding the following
 - 2 new section:
 - 3 Section 2.
 - 4 The state nursery may furnish, at cost, nursery stock to the
 - 5 municipalities for replacement of diseased elms removed from
 - 6 municipally owned property.

Filed and adopted
March 21, 1969

BAKER of Boone