

MAR 26 1973

HOUSE FILE 501

Ways and Means *Pass per 2349 4/21*  
*3/15, Pass 4/3*  
House File 501  
Den Herder, Chairman  
Harvey  
Monroe  
Rapp  
Stephens

By LIPSKY

House File 501  
Ways and Means—  
Schwengels, Chairman  
Palmer  
Griffin

Passed House, Date 3-12-74 (888) Passed Senate, Date 4-5-74 (1213)

Vote: Ayes 88 Nays 1 Vote: Ayes 40 Nays 3

Approved 4-25-74  
*Passed House as amended by Senate*  
4-15-74 (1710)  
84-1

### A BILL FOR

1 An Act relating to the establishment of zoos or zoological  
2 gardens and authorizing the levy of taxes and the issuance  
3 of bonds therefor.

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

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1 Section 1. NEW SECTION. The board of supervisors of any  
2 county may provide for the construction, development, improve-  
3 ment, maintenance and operation of a zoo or zoological garden.  
4 The board may also reconstruct, complete, equip, improve,  
5 repair or remodel the same and may provide that a zoo or zoo-  
6 logical garden owned or controlled by any private or incor-  
7 porated zoological society or association is conducted for  
8 the use and benefit of the public and not for profit.

9 The board of supervisors may also appoint advisory or ad-  
10 ministrative boards or committees as it deems necessary to  
11 facilitate the operation and management of a zoo or zoological  
12 garden and may contract with a zoological society or  
13 association for the acquisition, ownership, control,  
14 improvement, use and occupancy of such facilities and the  
15 reconstruction and occupancy of the same upon such terms and  
16 conditions as the board may deem advisable.

17 Any contract shall be binding upon the county during the  
18 period specified unless modified or abrogated by mutual consent  
19 of the parties. All contracts for the construction, recon-  
20 struction, completion, improvement, repair, equipping or re-  
21 modeling of any buildings, additions, or facilities shall  
22 be let in accordance with the provisions of sections three  
23 hundred thirty-two point seven (332.7), three hundred thirty-  
24 two point eight (332.8), and chapter twenty-three (23) of  
25 the Code.

26 The board of supervisors may authorize not to exceed two  
27 mills levy on all taxable property within the county for the  
28 purpose of paying for the cost of operating, maintaining,  
29 and managing a zoo or zoological garden. The levy shall not  
30 be subject to any cumulative mill levy limitations otherwise  
31 provided by law.

32 Sec. 2. NEW SECTION. The board of supervisors may borrow  
33 money, issue and sell general obligation bonds, and refund  
34 such bonds issued for any project in order to pay all or any  
35 part of the cost of carrying out any project. The bonds may

1 be refunded at the same rate or at a lower rate when the board  
2 deems it advisable. It shall not be necessary to submit to  
3 the voters the proposition of issuing bonds for refunding  
4 purposes, but prior to the issuance of bonds for other purposes  
5 the board shall submit to the voters of the county the proposi-  
6 tion of issuing the bonds. The board may call a special elec-  
7 tion, on its own motion, at which such proposition shall be  
8 submitted to the voters. Notice of the election shall be  
9 published once each week for at least four consecutive weeks  
10 in a newspaper published in the county, which notice shall  
11 state the date of the election, the hours of opening and  
12 closing the polls and the location thereof, and the question  
13 to be submitted. The election shall be held on a date not  
14 less than five nor more than twenty days after the last  
15 publication of the notice. At the election the ballot shall  
16 be prepared in substantially the form for submitting special  
17 questions at general elections. Chapter seventy-five (75)  
18 of the Code shall apply to such elections.

19 Before the issuance of bonds under this Act, the board  
20 shall adopt a resolution providing for the levy of annual  
21 taxes sufficient to pay the principal and interest on said  
22 bonds in accordance with the provisions of chapter seventy-  
23 six (76) of the Code. The bonds shall bear interest at a  
24 rate not exceeding six percent per annum and shall be of such  
25 form as the board shall provide by resolution.

26 Bonds issued pursuant to the provisions of this Act shall  
27 be sold by the board in the manner prescribed by chapter  
28 seventy-five (75) of the Code, however, refunding bonds may  
29 either be sold and the proceeds applied to the payment of  
30 the bonds to be refunded, or the refunding bond may be issued  
31 in exchange for the bonds being refunded upon their surrender  
32 and cancellation.

33 Sec. 3. NEW SECTION. The board of supervisors of a county  
34 may apply for and accept federal aid or nonfederal gifts or  
35 grants of funds and use the same to pay all or any part of

1 the cost of carrying out any project authorized by this Act  
2 or operating and maintaining the same. Bonds issued under  
3 the terms of this Act and the interest thereon shall be exempt  
4 from all state and local taxation.

5 Sec. 4. Section three hundred sixty-eight point nineteen  
6 (368.19), Code 1973, is amended to read as follows:

7 368.19 JOINT CITY AND COUNTY BUILDINGS BY CONTRACT FOR  
8 JOINT OWNERSHIP. A city or town in which a county seat is  
9 located and such county may contract ~~one-with-the-other~~ with  
10 one another or with appropriate third parties, associations  
11 or private nonprofit agencies for the joint purchase,  
12 acquisition, ownership and control of real and other property  
13 suitable as the site of a building or buildings for use and  
14 occupancy by such city or town and such county jointly, and  
15 any such county or city or town owning a site or any interest  
16 therein, may, upon such terms as shall appear fair and just  
17 to the board of supervisors of such county and to the council  
18 or other governing body of such city or town, contract with  
19 reference to the joint acquisition, ownership, control,  
20 improvement, use and occupancy of such property, and with  
21 reference to the construction, use and occupancy of a building  
22 or buildings thereon. Such contract shall set forth the  
23 amount of money to be contributed by the county and by the  
24 city or town toward the acquisition of such site and the  
25 improvement thereof, or the proportion of their respective  
26 contributions and the purpose or purposes for which the  
27 building or buildings to be erected thereon are to be used.  
28 Such contract may provide for the amount of money to be  
29 contributed annually by the county and by the city or town  
30 for the upkeep, maintenance, and operation of such property,  
31 and the building or buildings thereon, or it may provide for  
32 the respective proportions of such expense which the county  
33 and the city or town shall pay, and may provide for an  
34 adjustment at stated periods of the amounts or proportions  
35 to be so paid. Such contract may specify the part or parts

1 of such property and building or buildings to be used and  
2 occupied by the county and by the city or town. All such  
3 contracts shall be made on behalf of the county only when  
4 approved by resolution of the board of supervisors thereof  
5 and on behalf of the city or town when approved by ordinance  
6 adopted by the council or other governing body of such city  
7 or town, and when made shall be binding upon such county and  
8 city or town during the period specified in such contract  
9 unless modified or abrogated by mutual consent.

10 Sec. 5. Section four hundred four point ten (404.10),  
11 Code 1973, is amended by adding the following new subsection:

12 NEW SUBSECTION. For the construction, development, improve-  
13 ment, maintenance, and operation of a new or an established  
14 zoo or zoological garden owned or controlled by any private  
15 or incorporated zoological society or association conducted  
16 for the use and benefit of the public and not for profit.  
17 The municipal corporation may contract with such zoological  
18 society or association with reference to the acquisition,  
19 ownership, control, improvement, use and occupancy of such  
20 zoo or zoological garden and with reference to the  
21 construction, use and occupancy of the facilities of the same.  
22 Any such contract shall be binding upon the municipal  
23 corporation during the period specified in such contract  
24 unless modified or abrogated by mutual consent of the parties  
25 thereto.

26 Sec. 6. Section four hundred seven point three (407.3),  
27 Code 1973, is amended by adding the following new subsection:

28 NEW SUBSECTION. Constructing, developing, improving,  
29 maintaining, and operating a zoo or zoological garden or to  
30 provide for any new or existing zoo or zoological garden owned  
31 or controlled by any private or incorporated zoological society  
32 or association conducted for the use and benefit of the public  
33 and not for profit.

34

EXPLANATION

35 This bill will provide authority for counties, in their

1 discretion, to establish a zoo or zoological garden or to  
2 contribute to the establishment of a zoo or zoological garden  
3 by a private nonprofit corporation such as a zoological society  
4 or association conducted for the use and benefit of the public,  
5 or to contribute to an existing established zoo in providing  
6 construction, reconstruction, equipment, improvement repair  
7 or remodeling and to operate, control, maintain and manage  
8 zoos or zoological gardens or to contract with zoological  
9 societies or associations with reference to such operation,  
10 control, maintenance and management.

11 Cities and counties by this bill would be authorized to  
12 contract with one another and with other appropriate third  
13 parties, associations, or private nonprofit agencies.

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HOUSE FILE 501

H-2349

1 Amend House File 501 by striking everything after  
2 the enacting clause and inserting in lieu thereof the  
3 following:

4 Section 1. NEW SECTION. Cities and towns  
5 are hereby authorized to contract indebtedness and to  
6 issue general obligation bonds to provide funds to  
7 pay the cost of opening, establishing, constructing,  
8 improving, extending or remodeling of a zoo or zoo-  
9 logical garden and to construct, reconstruct or  
10 repair any such improvement and to pay the cost of  
11 land needed for any of said purposes.

12 Taxes for the payment of said bonds shall be  
13 levied in accordance with chapter seventy-six (76)  
14 of the Code, and said bonds shall be payable through  
15 the debt service fund in not more than twenty years,  
16 and bear interest at a rate not exceeding seven per-  
17 cent per annum, and shall be of such form as the city  
18 or town council shall by resolution provide, but no  
19 city or town shall become indebted in excess of five  
20 percent of the actual value of the taxable property  
21 within said city or town, as shown by the last pre-  
22 ceding state and county tax lists. The indebtedness  
23 incurred for the purpose provided in this section  
24 shall not be considered an indebtedness incurred for  
25 general or ordinary purposes.

26 This section shall be construed as granting  
27 additional power without limiting the power already  
28 existing in cities and towns.

29 The provisions of this section shall be applic-  
30 able to all municipal corporations regardless of form  
31 of government or manner of incorporation.

32 Sec. 2. NEW SECTION. It shall not be necessary  
33 to submit to the voters the proposition of issuing  
34 bonds for refunding purposes, but prior to the issu-  
35 ance of bonds for other purposes the council shall  
36 submit to the voters of the city at a general elec-  
37 tion or a regular municipal election the proposition  
38 of issuing the bonds. Notice of the election on the  
39 proposition of issuing bonds shall be published once  
40 each week for at least four consecutive weeks in a  
41 newspaper published in the county, which notice shall  
42 state the date of the election, the hours of opening  
43 and closing the polls and the location thereof, the  
44 question to be submitted, and whether or not an  
45 admission fee is to be charged by the zoo or zoolog-  
46 ical gardens. The election shall be held on a date  
47 not less than four nor more than twenty days after  
48 the last publication of the notice.

49 Bonds issued pursuant to the provisions of this  
50 act shall be sold by the council in the manner pre-

51 scribed by chapter seventy-five (75) of the Code,  
52 however, refunding bonds may either be sold and the  
53 proceeds applied to the payment of the bonds to be  
54 refunded, or the refunding bonds may be issued in  
55 exchange for the bonds being refunded upon their  
56 surrender and cancellation.

57 Sec. 3. NEW SECTION. A city or town establishing  
58 or having established a zoo or zoological garden may  
59 authorize not to exceed a one mill levy on all taxable  
60 property within the corporation for the purpose of  
61 paying the costs of operating, maintaining, and  
62 managing a zoo or zoological garden. The levy shall  
63 be subject to cumulative mill levy limitations other-  
64 wise provided by law unless said levy shall have been  
65 submitted to and approved by the voters of said city  
66 or town.

67 Sec. 4. NEW SECTION. Contracts may be made be-  
68 tween any city or town establishing or having estab-  
69 lished a zoo or zoological garden and any other city  
70 or town, or county (but a county may contract only  
71 with respect to residents outside of any city or town)  
72 for the use of such zoo or zoological garden or any  
73 extension service thereof by its residents. Such  
74 contracts shall provide for the rate of tax to be  
75 levied during the term thereof, not exceeding one  
76 mill. Said contracts may be submitted to the voters  
77 of either city or town and shall not be subject to  
78 termination if approved by the voters of both parties.

79 If not so approved, such contracts may be modified  
80 by mutual consent or may be terminated by the voters  
81 of either party thereto.

82 Any such tax shall be subject to cumulative  
83 millage limitations applicable generally to the  
84 contracting parties unless the contract shall have  
85 been approved by the voters.

86 Any election held hereunder may be held upon  
87 notice and in any manner provided by law applicable  
88 to the contracting party with respect to elections  
89 upon special public propositions; provided that it  
90 shall not be necessary to set out the contract pro-  
91 visions in full as a part of the ballot.

H—2349 Filed. *adopted 3/12/74*  
February 27, 1974

By COMMITTEE ON WAYS AND MEANS  
STANLEY of Muscatine, Chairman

S—2677

1 Amend House File 501, as amended and passed by the  
2 House, page 4, line 13, by inserting after the word  
3 "residents" the words ", and for the levy of a tax  
4 in support thereof".

S—2677 Filed and adopted  
April 5, 1974

By RILEY *Stanley Muscatine 4/5*