

Sen. Local Govt 3/25-Lo Pass 4/8/91 (p. 1125)

FEB 7 1991

LOCAL GOVERNMENT
Lo Pass 3/7

HOUSE FILE 197
BY BEATTY

Passed House, Date 3/20/91 (p. 746) Passed Senate, Date 4/23/91 (p. 1428)
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved May 6, 1991 (p. 2160)

A BILL FOR

1 An Act relating to the operation and dissolution of certain
2 special districts organized to provide a municipal service.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 197

1 Section 1. Section 357.13, Code 1991, is amended to read
2 as follows:

3 357.13 TRUSTEES -- TERMS.

4 At the election provided for in section 357.12, the names
5 of the trustees shall be written by the voter on blank ballots
6 without formal nomination and the board of supervisors shall
7 appoint three from among the five receiving the highest number
8 of votes as trustees for the district, one to serve for one
9 year, one for two years, and one for three years, which
10 trustees and their successors shall give bond in the amount
11 the board of supervisors may require, the premium of which
12 shall be paid by the district ~~said~~ the trustees represent.
13 Vacancies may thereafter be filled by election, or by
14 appointment by the board of supervisors, at the option of the
15 remaining trustees. The trustees must be residents of the
16 district. The term of succeeding trustees shall be for three
17 years.

18 Sec. 2. Section 357B.5, subsection 1, Code 1991, is
19 amended to read as follows:

20 1. Upon petition of a number of registered voters residing
21 in a district at least equal to thirty-five percent of the
22 property taxpayers in the district, the board of supervisors
23 may dissolve a benefited fire district and dispose of any
24 remaining property, the proceeds of which shall first be
25 applied against any outstanding obligation of the district.
26 Any remaining balance shall be applied as a tax credit for the
27 property owners of the district. However, except as provided
28 in subsection 2, if all or a part of a district is annexed,
29 the board of supervisors may transfer the remaining property
30 and balance to the city which annexed the territory. The
31 board of supervisors shall continue to levy an annual tax
32 after the dissolution of a district, not to exceed forty and
33 one-half cents per thousand dollars of assessed value of the
34 taxable property of the district, until all outstanding
35 obligations of the district are paid.

1 Sec. 3. Section 357C.8, Code 1991, is amended to read as
2 follows:

3 357C.8 TRUSTEES.

4 At ~~such~~ the election, the names of candidates for trustee
5 shall be written in by the voters on blank ballots without
6 formal nomination, and the board of supervisors shall appoint
7 three from among the five receiving the highest number of
8 votes as trustees for the district; one to serve for one year,
9 one for two years, and one for three years. The trustees and
10 their successors must be residents of the district and shall
11 give bond in the amount which the board of supervisors may
12 require, the premium of which shall be paid by the district
13 ~~said~~ the trustees represent. Vacancies may thereafter be
14 filled by election, or by appointment by the board of
15 supervisors. The term of succeeding trustees shall be for
16 three years.

17 Sec. 4. Section 357C.11, Code 1991, is amended to read as
18 follows:

19 357C.11 DISSOLUTION OF DISTRICT.

20 Upon petition of thirty-five percent of the resident
21 eligible electors, the board of supervisors may dissolve a
22 benefited street lighting district and dispose of any
23 remaining property, proceeds of which shall first be applied
24 against outstanding obligations and any balance shall be
25 applied to tax credit of property owners of the district.
26 However, if the district is annexed, the board of supervisors
27 may transfer the remaining property and balance to the city
28 which annexed the district. The board of supervisors shall
29 continue to levy tax after dissolution of a district, of not
30 to exceed fifty-four cents per thousand dollars of assessed
31 value on all the taxable property of the district, until all
32 outstanding obligations of the district are paid.

33 Sec. 5. Section 357D.9, Code 1991, is amended to read as
34 follows:

35 357D.9 TRUSTEES.

1 At the election, the names of up to three candidates for
2 trustee shall be written in by the voters on blank ballots
3 without formal nomination and the board shall appoint three
4 from among the five receiving the highest number of votes as
5 trustees for the district. One trustee shall be appointed to
6 serve for one year, one for two years, and one for three
7 years. The trustees and their successors must be residents of
8 the district and shall give bond in the amount required by the
9 board, the premium of which shall be paid by the district.
10 Vacancies shall be filled by election, but if there are no
11 candidates for a trustee office, the vacancy may be filled by
12 appointment by the board. The term of succeeding trustees
13 shall be three years.

14 Sec. 6. Section 357D.12, Code 1991, is amended to read as
15 follows:

16 357D.12 DISSOLUTION OF DISTRICT.

17 Upon petition of thirty-five percent of the resident
18 eligible electors, the board may dissolve a district and
19 dispose of any remaining property, the proceeds of which shall
20 first be applied against outstanding obligations and any
21 balance shall be applied to tax credit of property owners of
22 the district. However, if the district is annexed, the board
23 of supervisors may transfer the remaining property and balance
24 to the city which annexed the territory. The board shall
25 continue to levy a tax after dissolution of a district, of not
26 to exceed twenty-seven cents per thousand dollars of assessed
27 value on all the taxable property of the district, until all
28 outstanding obligations of the district are paid.

29 Sec. 7. Section 357E.9, unnumbered paragraph 1, Code 1991,
30 is amended to read as follows:

31 At the election, the names of at least three candidates for
32 trustee shall be written in by the voters on blank ballots
33 without formal nomination and the board of supervisors shall
34 appoint three from among the five receiving the highest number
35 of votes as trustees for the district. One trustee shall be

1 appointed to serve for one year, one for two years, and one
2 for three years. The trustees shall give bond in the amount
3 required by the board, the premium of which shall be paid by
4 the district. The trustees must be residents of the district.
5 Vacancies shall be filled by election, but if there are no
6 candidates for a trustee office, the vacancy may be filled by
7 appointment by the board. The terms of the succeeding
8 trustees are for three years.

9 Sec. 8. Section 357E.12, Code 1991, is amended to read as
10 follows:

11 357E.12 DISSOLUTION OF DISTRICT.

12 Upon petition of thirty-five percent of the resident
13 eligible electors, the board may dissolve a district and
14 dispose of any remaining property, the proceeds of which shall
15 first be applied against outstanding obligations and any
16 balance shall be applied to tax credits for property owners of
17 the district. However, if the district is annexed, the board
18 of supervisors may transfer the remaining property and balance
19 to the city which annexed the territory. The board shall
20 continue to levy a tax after dissolution of a district, in an
21 amount necessary to pay all outstanding obligations of the
22 district as they become due, until all outstanding obligations
23 of the district are paid.

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EXPLANATION

25 This bill provides that the trustees of a benefited water
26 district, benefited street lighting district, benefited law
27 enforcement district, and benefited recreational lake district
28 must be residents of the respective district which they
29 administer. The bill also provides that if a benefited fire
30 district, benefited street lighting district, benefited law
31 enforcement district, or benefited recreational lake district
32 is annexed, the board of supervisors may transfer remaining
33 property and financial balances to the city which annexed the
34 territory.

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HOUSE FILE 197

AN ACT

RELATING TO THE OPERATION AND DISSOLUTION OF CERTAIN SPECIAL DISTRICTS ORGANIZED TO PROVIDE A MUNICIPAL SERVICE.

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

Section 1. Section 357.13, Code 1991, is amended to read as follows:

357.13 TRUSTEES -- TERMS.

At the election provided for in section 357.12, the names of the trustees shall be written by the voter on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district, one to serve for one year, one for two years, and one for three years, which trustees and their successors shall give bond in the amount the board of supervisors may require, the premium of which shall be paid by the district ~~said~~ the trustees represent. Vacancies may thereafter be filled by election, or by appointment by the board of supervisors, at the option of the remaining trustees. The trustees must be residents of the district. The term of succeeding trustees shall be for three years.

Sec. 2. Section 357B.5, subsection 1, Code 1991, is amended to read as follows:

1. Upon petition of a number of registered voters residing in a district at least equal to thirty-five percent of the property taxpayers in the district, the board of supervisors may dissolve a benefited fire district and dispose of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the district. Any remaining balance shall be applied as a tax credit for the property owners of the district. However, except as provided in subsection 2, if all or a part of a district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board of supervisors shall continue to levy an annual tax after the dissolution of a district, not to exceed forty and one-half cents per thousand dollars of assessed value of the taxable property of the district, until all outstanding obligations of the district are paid.

Sec. 3. Section 357C.8, Code 1991, is amended to read as follows:

357C.8 TRUSTEES.

At such the election, the names of candidates for trustee shall be written in by the voters on blank ballots without formal nomination, and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district; one to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount which the board of supervisors may require, the premium of which shall be paid by the district ~~said~~ the trustees represent. Vacancies may thereafter be filled by election, or by appointment by the board of supervisors. The term of succeeding trustees shall be for three years.

Sec. 4. Section 357C.11, Code 1991, is amended to read as follows:

357C.11 DISSOLUTION OF DISTRICT.

Upon petition of thirty-five percent of the resident eligible electors, the board of supervisors may dissolve a benefited street lighting district and dispose of any remaining property, proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the district. The board of supervisors shall continue to levy tax after dissolution of a district, of not to exceed fifty-four cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

Sec. 5. Section 357D.9, Code 1991, is amended to read as follows:

357D.9 TRUSTEES.

At the election, the names of up to three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount required by the board, the premium of which shall be paid by the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The term of succeeding trustees shall be three years.

Sec. 6. Section 357D.12, Code 1991, is amended to read as follows:

357D.12 DISSOLUTION OF DISTRICT.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall

first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board shall continue to levy a tax after dissolution of a district, of not to exceed twenty-seven cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

Sec. 7. Section 357E.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

At the election, the names of at least three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees shall give bond in the amount required by the board, the premium of which shall be paid by the district. The trustees must be residents of the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The terms of the succeeding trustees are for three years.

Sec. 8. Section 357E.12, Code 1991, is amended to read as follows:

357E.12 DISSOLUTION OF DISTRICT.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credits for property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board shall

continue to levy a tax after dissolution of a district, in an amount necessary to pay all outstanding obligations of the district as they become due, until all outstanding obligations of the district are paid.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 197, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1991

TERRY E. BRANSTAD
Governor

HF 197