

3/5/93 Senate - *Do Pass*
4/7/93 Senate - *Do Pass*

MAR 22 1993

HOUSE FILE 603

Place On Calendar

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 282)

Passed House, Date 3/29/93

Passed Senate, ^(P. 235) Date 4/20/93

Vote: Ayes 88 Nays 8

Vote: Ayes 49 Nays 0

Approved April 27, 1993

A BILL FOR

1 An Act relating to sanitary districts by providing for the
2 funding of sanitary districts by special assessment and the
3 disposition of property after annexation.

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

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HF 603

1 Section 1. Section 358.22, unnumbered paragraphs 1 and 2,
2 Code 1993, are amended to read as follows:

3 The board of trustees of a sanitary district may provide
4 for payment of all or any portion of the costs of acquiring,
5 locating, laying out, constructing, reconstructing, repairing,
6 changing, enlarging, or extending conduits, ditches, channels,
7 outlets, drains, sewers, laterals, treatment plants, pumping
8 plants, and other necessary adjuncts thereto, by assessing
9 all, or any portion of the costs, on adjacent property
10 according to the benefits derived. For the purposes of this
11 chapter, the board of trustees may define "adjacent property"
12 as all that included within a designated benefited district or
13 districts to be fixed by the board, which may be all of the
14 property located within the sanitary district or any lesser
15 portion of that property. It is not a valid objection to a
16 special assessment that the improvement for which the
17 assessment is levied is outside the limits of the sanitary
18 district, but a special assessment shall not be made upon
19 property situated outside of the sanitary district. Special
20 assessments pursuant to this section shall be in proportion to
21 the special benefits conferred upon the property, and not in
22 excess of the benefits, and an assessment shall not exceed
23 twenty-five percent of the actual value of the property at the
24 time of levy, ~~and the last preceding assessment roll shall be~~
25 ~~taken as prima facie evidence of that value.~~ The value of a
26 property is the present fair market value of the property with
27 the proposed public improvements completed. Payment of
28 installments of a special assessment against property used and
29 assessed as agricultural property shall be deferred upon the
30 filing of a request by the owner in the same manner and under
31 the same procedures as provided in chapter 384 for special
32 assessments by cities.

33 The assessments may be made to extend over a period of ten
34 not to exceed fifteen years, payable in as nearly equal annual
35 installments as practicable. A majority vote of the board of

1 trustees is requisite and sufficient for any action required
2 by the board of trustees under this section.

3 Sec. 2. NEW SECTION. 358.30 ANNEXATION OF LAND BY A
4 CITY.

5 A sanitary district shall be fairly compensated for losses
6 resulting from annexation. The governing body of a city or
7 city utility and the board of trustees of the sanitary
8 district may agree to terms which provide that the facilities
9 owned by the sanitary district and located within the city
10 shall be retained by the sanitary district for the purpose of
11 sanitary service to customers outside the city. If an
12 agreement is not reached within ninety days, the issues may be
13 submitted to arbitration. If submitted, an arbitrator shall
14 be selected by a committee which includes one member of the
15 governing body of the city or its designee, one member of the
16 sanitary district's board of trustees or its designee, and a
17 disinterested party selected by the other two members of the
18 committee. A list of qualified arbitrators may be obtained
19 from the American arbitration association or another
20 recognized arbitration organization or association.

21 EXPLANATION

22 This bill provides that the value of property used for
23 special assessments to fund the establishment of sanitary
24 district facilities is the present fair market value of the
25 property with the proposed public improvements completed. The
26 owner of agricultural property may defer installments of the
27 special assessment in the same manner as provided in chapter
28 384 for special assessments by cities. The installments may
29 be extended over 15 years rather than 10 years as provided by
30 current law.

31 This bill also provides that a sanitary district shall be
32 fairly compensated for losses resulting from annexation by a
33 city. The affected governing bodies may agree to allow the
34 sanitary district to continue to provide sanitary services to
35 residents within the annexed area. The affected governing

1 bodies may submit issues of disagreement to an arbitrator.

2 This bill may include a state mandate as defined in section

3 25B.3.

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Hansen of Delaware
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HSB 282
LOCAL GOVERNMENT

HOUSE FILE 623
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON IVERSON)

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

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HOUSE FILE 603

AN ACT

RELATING TO SANITARY DISTRICTS BY PROVIDING FOR THE FUNDING
OF SANITARY DISTRICTS BY SPECIAL ASSESSMENT AND THE DIS-
POSITION OF PROPERTY AFTER ANNEXATION.

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

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HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 603, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 27, 1993

TERRY E. BRANSTAD
Governor