

MAR 22 1993

Place On Calendar

4/12/93 Referred to Local Gov.
(P. 61) 1-14-94 Do Pass
(P. 254) motion to R/c Vote by Schrader
(P. 355) 2/24/94 motion to R/c Withdraw
(P. 424) 2/28/94 Senate - Local Gov.
HOUSE FILE 606

BY COMMITTEE ON LOCAL GOVERNMENT
(P. 615-) 3-9-94 Senate - Do Pass

(SUCCESSOR TO HSB 272)

Passed House, (P. 253) Date 2/15/94 Passed Senate, Date 3/21/94
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved March 25, 1994

A BILL FOR

1 An Act relating to procedures for the issuance and use of general
2 obligation bonds by counties for the funding of water systems
3 and facilities.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 606

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 subparagraph (12), subparagraph subdivisions (a) through (c),
3 Code 1993, are amended to read as follows:

4 (a) The county board of supervisors may on its own motion
5 or upon written petition of a water supplier, established
6 under chapter 357A or 504A, designate the territory to be
7 served as a special taxing district. The taxing district
8 shall be composed of election precincts. The county's debt
9 service tax levy for county general obligation bonds issued
10 for the purposes set out in this subparagraph shall be levied
11 only against real property within the county which is included
12 within the boundaries of the special taxing district. A
13 property not presently included within the boundaries of the
14 special taxing district may petition to be included in the
15 district subsequent to its establishment.

16 (b) General obligation bonds for the purposes outlined in
17 this subparagraph are subject to an election held pursuant to
18 section 331.442, subsections 1 through 4, or are subject to
19 the right of petition for an election as provided in section
20 331.442, subsection 5, paragraphs "a", "b", and "c", without
21 limitation on the amount of the bond issue or the size of the
22 county, and the board shall include notice of the right of
23 petition in the notice required. However, under either
24 election procedure, only the voters within the taxing district
25 shall vote or sign a petition.

26 (c) A county and a city entering into a water supplier
27 agreement shall provide in the agreement for a ~~different~~ rate
28 of the county's debt service tax levy against ~~benefited-and~~
29 ~~nonbenefited~~ property based upon inclusion or exclusion within
30 the taxing district or based upon the services to be provided.

31 EXPLANATION

32 This bill amends provisions relating to the use of general
33 obligation bonds issued by counties and payable from a levy of
34 ad valorem taxes on taxable property within the county for
35 funding the acquisition, construction, reconstruction,

1 improvement, repair, or equipping of water systems and
2 facilities. The bill requires that the taxing district be
3 composed of election precincts. The bill provides for
4 election procedures. It provides that only voters within the
5 taxing district can vote in a bond election or sign a petition
6 to hold such an election. It also provides that a water
7 supplier agreement must provide a rate of the county's debt
8 service tax levy against property based upon inclusion or
9 exclusion within the taxing district or based upon the
10 services provided.

- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE 606

H-3675

1 Amend House File 606 as follows:

2 1. Page 1, by striking lines 1 through 30 and
3 inserting the following:

4 "Sec. ____ Section 331.441, subsection 2,
5 paragraph b, subparagraph (12), subparagraph
6 subdivisions (a) through (c), Code 1993, are amended
7 by striking the subparagraph subdivisions, and
8 inserting in lieu thereof the following:

9 (a) The county board of supervisors may on its own
10 motion or upon a written petition of a water supplier
11 established under chapter 357A or 504A, direct the
12 county auditor to establish a special service area tax
13 district for the purpose of issuing general obligation
14 bonds. The special service area tax district shall
15 include only unincorporated portions of the county and
16 shall be drawn according to engineering
17 recommendations provided by the water supplier or the
18 county engineer and, in addition, shall be drawn in
19 order that an election provided for in subparagraph
20 subdivision (b) can be administered. The county's
21 debt service tax levy for the county general
22 obligation bonds issued for the purposes set out in
23 this subparagraph shall be levied only against real
24 property within the county which is included within
25 the boundaries of the special service area tax
26 district. An owner of property not included within
27 the boundaries of the special service area taxes
28 district may petition the board of supervisors to be
29 included in the special area tax district subsequent
30 to its establishment.

31 (b) General obligation bonds for the purposes
32 described in this subparagraph are subject to an
33 election held in the manner provided in section
34 331.442, subsections 1 through 4, if not later than
35 fifteen days following the action by the county board
36 of supervisors, eligible voters file a petition with
37 the county commissioner of elections asking that the
38 question of issuing the bonds be submitted to the
39 qualified electors of the special service area tax
40 district. The petition must be signed by at least
41 five percent of the registered voters residing in the
42 special service area tax district. If the petition is
43 duly filed within the fifteen days, the board of
44 supervisors shall either adopt a resolution declaring
45 that the proposal to issue the bonds is abandoned, or
46 direct the county commissioner of elections to call a
47 special election within a special service area tax
48 district upon the question of issuing the bonds."

By VANDE HOEF of Osceola

H-3675 FILED APRIL 2, 1993

adapted 2/15/94 (P. 253)

HOUSE FILE 606

H-3682

1 Amend House File 606 as follows:

2 1. Page 1, by striking lines 1 through 30 and
3 inserting the following:

4 "Sec. ____ . Section 331.441, subsection 2,
5 paragraph b, subparagraph (12), subparagraph
6 subdivisions (a) through (c), Code 1993, are amended
7 by striking the subparagraph subdivisions, and
8 inserting in lieu thereof the following:

9 (a) The county board of supervisors may on its own
10 motion or upon a written petition of a water supplier
11 established under chapter 357A or 504A, direct the
12 county auditor to establish a special service area tax
13 district for the purpose of issuing general obligation
14 bonds. The special service area tax district shall
15 include only unincorporated portions of the county and
16 shall be drawn according to engineering
17 recommendations provided by the water supplier and, in
18 addition, shall be drawn in order that an election
19 provided for in subparagraph subdivision (b) can be
20 administered. The county's debt service tax levy for
21 the county general obligation bonds issued for the
22 purposes set out in this subparagraph shall be levied
23 only against real property within the county which is
24 included within the boundaries of the special service
25 area tax district. An owner of property not included
26 within the boundaries of the special service area
27 taxes district may petition the board of supervisors
28 to be included in the special area tax district
29 subsequent to its establishment.

30 (b) General obligation bonds for the purposes
31 described in this subparagraph are subject to an
32 election held in the manner provided in section
33 331.442, subsections 1 through 4, if a petition is
34 timely filed with the county commissioner of elections
35 asking that the question of issuing the bonds be
36 submitted to the qualified electors of the special
37 service area tax district. Not later than fifteen
38 days following the action by the county board of
39 supervisors for this issuance of the bonds, the board
40 shall publish notice of the action at least twice in a
41 newspaper of general circulation in the county. The
42 petition must be signed by at least five percent of
43 the registered voters residing in the special service
44 area tax district. If the petition is duly filed
45 within thirty days following the last date that the
46 notice is published in the newspaper, the board of
47 supervisors shall either adopt a resolution declaring
48 that the proposal to issue the bonds is abandoned, or
49 direct the county commissioner of elections to call a
50 special election within a special service area tax

H-3682

*Vote 9/15/94
(P. 253)*

H-3682

Page 2

1 district upon the question of issuing the bonds."

By BEATTY of Warren

H-3682 FILED APRIL 2, 1993

HOUSE FILE 606

H-3716

1 Amend the amendment, H-3675, to House File 606, as
2 follows:3 1. Page 1, lines 17 and 18, by striking the words
4 "or the county engineer".5 2. Page 1, by striking lines 34 through 37, and
6 inserting the following: "331.442, subsections 1
7 through 4, if a petition is timely filed with the
8 county commissioner of elections asking that the".9 3. Page 1, line 40, by inserting after the word
10 "district." the following: "Not later than fifteen
11 days following the action by the county board of
12 supervisors for this issuance of the bonds, the board
13 shall publish notice of the action at least twice in a
14 newspaper of general circulation in the county."15 4. Page 1, by striking line 43, and inserting the
16 following: "duly filed within thirty days following
17 the last date that the notice is published in the
18 newspaper, the board of".

By BEATTY of Warren

H-3716 FILED APRIL 5, 1993

LOST 2/15/94 (P.253)

HOUSE FILE 606

H-3750

1 Amend the amendment, H-3675, to House File 606, as
2 follows:3 1. Page 1, line 23, by striking the word "real"
4 and inserting the following: "taxable".

By BEATTY of Warren

H-3750 FILED APRIL 6, 1993

Adopted 2/15/94 (P.253)

HOUSE FILE 606

H-3776

1 Amend the amendment, H-3682, to House File 606 as
2 follows:3 1. Page 1, line 45, by striking the word "thirty"
4 and inserting the following: "twenty".

By VANDE HOEF of Osceola

H-3776 FILED APRIL 7, 1993

out of order 2/15/94

HOUSE FILE 606

H-5004

1 Amend House File 606 as follows:

2 1. Page 1, line 3, by inserting after the word
3 "Code" the following: "Supplement".

By IVERSON of Wright

H-5004 FILED JANUARY 18, 1994

*ADOPTED 2/15/94 (P.252)**Now Ruled out of order 2/15/94 (P.253)*

HOUSE FILE 606

H-5060

1 Amend amendment H-3675, to House File 606 as
2 follows:

3 1. Page 1, line 6, by inserting after the word
4 "Code" the following: "Supplement".

By VANDE HOEF of Osceola

H-5060 FILED FEBRUARY 15, 1994

ADOPTED BY UNANIMOUS CONSENT

(P. 760) 3-21-94 Senate - Motion to
R/C by Sink
(P. 778) 3-22-94 Motion to R/C Withdrawn

HOUSE FILE 606
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 272)

(As Amended and Passed by the House February 15, 1994)

Passed House, (P. 253) Date 2/15/94 Passed Senate, (P. 750) Date 3-21-94
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved _____

A BILL FOR

1 An Act relating to procedures for the issuance and use of general
2 obligation bonds by counties for the funding of water systems
3 and facilities.

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

5

6

7

House Amendments _____

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

TL5B 2637HV 75

da/jj/8

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 subparagraph (12), subparagraph subdivisions (a) through (c),
3 Code Supplement 1993, are amended by striking the subparagraph
4 subdivisions, and inserting in lieu thereof the following:

5 (a) The county board of supervisors may on its own motion
6 or upon a written petition of a water supplier established
7 under chapter 357A or 504A, direct the county auditor to
8 establish a special service area tax district for the purpose
9 of issuing general obligation bonds. The special service area
10 tax district shall include only unincorporated portions of the
11 county and shall be drawn according to engineering
12 recommendations provided by the water supplier or the county
13 engineer and, in addition, shall be drawn in order that an
14 election provided for in subparagraph subdivision (b) can be
15 administered. The county's debt service tax levy for the
16 county general obligation bonds issued for the purposes set
17 out in this subparagraph shall be levied only against taxable
18 property within the county which is included within the
19 boundaries of the special service area tax district. An owner
20 of property not included within the boundaries of the special
21 service area taxes district may petition the board of
22 supervisors to be included in the special area tax district
23 subsequent to its establishment.

24 (b) General obligation bonds for the purposes described in
25 this subparagraph are subject to an election held in the
26 manner provided in section 331.442, subsections 1 through 4,
27 if not later than fifteen days following the action by the
28 county board of supervisors, eligible voters file a petition
29 with the county commissioner of elections asking that the
30 question of issuing the bonds be submitted to the qualified
31 electors of the special service area tax district. The
32 petition must be signed by at least five percent of the
33 registered voters residing in the special service area tax
34 district. If the petition is duly filed within the fifteen
35 days, the board of supervisors shall either adopt a resolution

1 declaring that the proposal to issue the bonds is abandoned,
2 or direct the county commissioner of elections to call a
3 special election within a special service area tax district
4 upon the question of issuing the bonds.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

Vande Gref chr.
Guiner
Renard

HSB 272

LOCAL GOVERNMENT

HOUSE FILE 606
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON IVERSON)

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

A BILL FOR

1 An Act relating to procedures for the issuance and use of general
2 obligation bonds by counties for the funding of water systems
3 and facilities.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 331.441, subsection 2, paragraph b,
2 subparagraph (12), subparagraph subdivisions (a) through (c),
3 Code 1993, are amended to read as follows:

4 (a) The county board of supervisors may on its own motion
5 or upon written petition of a water supplier, established
6 under chapter 357A or 504A, designate the territory to be
7 served as a special taxing district. The taxing district
8 shall be composed of election precincts. The county's debt
9 service tax levy for county general obligation bonds issued
10 for the purposes set out in this subparagraph shall be levied
11 only against real property within the county which is included
12 within the boundaries of the special taxing district. A
13 property not presently included within the boundaries of the
14 special taxing district may petition to be included in the
15 district subsequent to its establishment.

16 (b) General obligation bonds for the purposes outlined in
17 this subparagraph are subject to an election held pursuant to
18 section 331.442, subsections 1 through 4, or are subject to
19 the right of petition for an election as provided in section
20 331.442, subsection 5, paragraphs "a", "b", and "c", without
21 limitation on the amount of the bond issue or the size of the
22 county, and the board shall include notice of the right of
23 petition in the notice required. However, under either
24 election procedure, only the voters within the taxing district
25 shall vote or sign a petition.

26 (c) A county and a city entering into a water supplier
27 agreement shall provide in the agreement for a **different rate**
28 of the county's debt service tax levy against **benefited-and**
29 **nonbenefited property** based upon inclusion or exclusion within
30 the taxing district or based upon the services to be provided.

31 EXPLANATION

32 This bill amends provisions relating to the use of general
33 obligation bonds issued by counties and payable from a levy of
34 ad valorem taxes on taxable property within the county for
35 funding the acquisition, construction, reconstruction,

1 improvement, repair, or equipping of water systems and
2 facilities. The bill requires that the taxing district be
3 composed of election precincts. The bill provides for
4 election procedures. It provides that only voters within the
5 taxing district can vote in a bond election or sign a petition
6 to hold such an election. It also provides that a water
7 supplier agreement must provide a rate of the county's debt
8 service tax levy against property based upon inclusion or
9 exclusion within the taxing district or based upon the
10 services provided.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 606

AN ACT

RELATING TO PROCEDURES FOR THE ISSUANCE AND USE OF GENERAL
OBLIGATION BONDS BY COUNTIES FOR THE FUNDING OF WATER
SYSTEMS AND FACILITIES.

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

Section 1. Section 331.441, subsection 2, paragraph b, subparagraph (12), subparagraph subdivisions (a) through (c), Code Supplement 1993, are amended by striking the subparagraph subdivisions, and inserting in lieu thereof the following:

(a) The county board of supervisors may on its own motion or upon a written petition of a water supplier established under chapter 357A or 504A, direct the county auditor to establish a special service area tax district for the purpose of issuing general obligation bonds. The special service area tax district shall include only unincorporated portions of the county and shall be drawn according to engineering recommendations provided by the water supplier or the county engineer and, in addition, shall be drawn in order that an election provided for in subparagraph subdivision (b) can be administered. The county's debt service tax levy for the county general obligation bonds issued for the purposes set out in this subparagraph shall be levied only against taxable property within the county which is included within the boundaries of the special service area tax district. An owner of property not included within the boundaries of the special service area taxes district may petition the board of supervisors to be included in the special area tax district subsequent to its establishment.

(b) General obligation bonds for the purposes described in this subparagraph are subject to an election held in the manner provided in section 331.442, subsections 1 through 4, if not later than fifteen days following the action by the county board of supervisors, eligible voters file a petition

with the county commissioner of elections asking that the question of issuing the bonds be submitted to the qualified electors of the special service area tax district. The petition must be signed by at least five percent of the registered voters residing in the special service area tax district. If the petition is duly filed within the fifteen days, the board of supervisors shall either adopt a resolution declaring that the proposal to issue the bonds is abandoned, or direct the county commissioner of elections to call a special election within a special service area tax district upon the question of issuing the bonds.

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 606, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *March 25*, 1994

TERRY E. BRANSTAD
Governor