

5-2/16/95 Local Gov
8-4/16/95 Do Pass

FEB 2 1995

HOUSE FILE 128

Place On Calendar

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 16)

Passed House, ^(p.418) Date 2/14/95 Passed Senate, Date 4/10/95 (p.1098)

Vote: Ayes 97 Nays 0 Vote: Ayes 50 Nays 0

^{Passed 4-18-95} Approved April 25, 1995

(p.1619) Vote. 96-0

A BILL FOR

1 An Act relating to administrative procedures of rural water
2 districts.

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

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HF 128

1 Section 1. Section 357A.2, unnumbered paragraph 3, Code
2 1995, is amended to read as follows:

3 The petition shall be signed by the owners of at least
4 ~~fifty~~ thirty percent of all real property lying within the
5 outside perimeter of the area designated for inclusion in the
6 proposed district, and shall state:

7 Sec. 2. Section 357A.8, subsection 1, Code 1995, is
8 amended to read as follows:

9 1. For an annual meeting of participating members between
10 January 1 and ~~March~~ May 1 of each year following the year of
11 incorporation of the district, and for the mailing of written
12 notice of the time and place of each annual meeting to each
13 participating member and publication of ~~such~~ the notice in a
14 newspaper of general circulation in the district not less than
15 ten nor more than thirty days prior to each meeting.

16 Sec. 3. Section 357A.20, unnumbered paragraph 1, Code
17 1995, is amended to read as follows:

18 A nonprofit corporation incorporated under chapter 504A for
19 the specific purpose of operating a rural water system may
20 petition the supervisors for incorporation of a district, in
21 the manner provided by section 357A.2. The signatures of the
22 corporation's officers on the petition and a resolution
23 adopted by the corporation's board of directors approving the
24 petition shall suffice in lieu of signatures of owners of
25 ~~fifty~~ thirty percent of the real property in the proposed
26 district, if the corporation presents evidence satisfactory to
27 the supervisors that a sufficient number of members of the
28 proposed district will subscribe to benefit units to make its
29 operation feasible. The procedure for hearing and
30 determination of disposition of the petition shall be as
31 provided by this chapter.

32 EXPLANATION

33 Section 1 of this bill changes the percentage, from 50
34 percent to 30 percent, of real property located within the
35 proposed boundaries of a water district whose owners must

1 petition the county board of supervisors for inclusion in a
2 water district. The petition must still be filed with the
3 county auditor and the supervisors will have to set a hearing
4 on the question of inclusion. Chapter 357A provides for
5 publication of notice of the hearing, opportunity to be heard,
6 and modification, approval, or disapproval of the petition.

7 Section 2 changes the final authorized date for an annual
8 meeting of the members of a rural water district from March 1
9 to May 1.

10 Section 3 is a corresponding amendment to section 1.

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S-3358

1 Amend House File 128, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 331.555, subsection 6, Code
6 1995, is amended to read as follows:

7 6. The treasurer shall keep all funds invested to
8 the extent practicable and may invest the funds
9 jointly with one or more counties, judicial district
10 departments of correctional services, cities, or city
11 utilities, or rural water districts created under
12 chapter 357A pursuant to a joint investment agreement.
13 All investments of funds shall be subject to sections
14 12B.10 and 12B.10A and other applicable law."

15 2. Page 1, by inserting after line 15 the
16 following:

17 "Sec. ____ . Section 357A.11, Code 1995, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 12. Place all funds in
20 investments to the extent practicable and may invest
21 the funds jointly with one or more counties, judicial
22 district departments of correctional services, cities,
23 or city utilities pursuant to a joint investment
24 agreement. All investments of funds shall be subject
25 to sections 12B.10 and 12B.10A and other applicable
26 law."

27 3. Page 1, by inserting after line 31 the
28 following:

29 "Sec. ____ . Section 384.21, Code 1995, is amended
30 to read as follows:

31 384.21 JOINT INVESTMENT OF FUNDS.

32 A city or a city utility board shall keep all funds
33 invested to the extent practicable and may invest the
34 funds jointly with one or more cities, utility boards,
35 judicial district departments of correctional
36 services, or counties, or rural water districts
37 created under chapter 357A pursuant to a joint
38 investment agreement. All investments of funds shall
39 be subject to sections 12B.10 and 12B.10A and other
40 applicable law.

41 Sec. ____ . Section 905.6, subsection 4, Code 1995,
42 is amended to read as follows:

43 4. Prepare all budgets and fiscal documents, and
44 certify for payment all expenses and payrolls lawfully
45 incurred by the district department. The director may
46 invest funds which are not needed for current
47 expenses, jointly with one or more cities, city
48 utilities, or counties, or rural water districts
49 created under chapter 357A pursuant to a joint
50 investment agreement. All investment of funds shall

S-3358

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S-3358

Page 2

1 be subject to sections 12B.10 and 12B.10A and other
2 applicable law."

3 4. Title page, line 1, by inserting after the
4 word "procedures" the following: "and the joint
5 investment of funds".

6 5. By renumbering as necessary.

By ALBERT SORENSEN

H-3835

1 Amend House File 128, as passed by the House, as
2 follows:

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4 following:

5 "Section 1. Section 331.555, subsection 6, Code
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25 to sections 12B.10 and 12B.10A and other applicable
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28 following:

29 "Sec. _____. Section 384.21, Code 1995, is amended
30 to read as follows:

31 384.21 JOINT INVESTMENT OF FUNDS.

32 A city or a city utility board shall keep all funds
33 invested to the extent practicable and may invest the
34 funds jointly with one or more cities, utility boards,
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36 services, ~~or~~ counties, or rural water districts
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38 investment agreement. All investments of funds shall
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50 investment agreement. All investment of funds shall

H-3835

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Page 2

1 be subject to sections 12B.10 and 12B.10A and other
2 applicable law."

3 4. Title page, line 1, by inserting after the
4 word "procedures" the following: "and the joint
5 investment of funds".

6 5. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3835 FILED APRIL 10, 1995

*House Amended
4-18-95
P. 619*

*Arnold. chr.
Murtin
Walter*

HSB 16

LOCAL GOVERNMENT

Succeeded

SE / HE 128
HOUSE FILE

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON VANDE HOEF)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to administrative procedures of rural water
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1 Section 1. Section 357A.2, unnumbered paragraph 3, Code
2 1995, is amended to read as follows:

3 The petition shall be signed by the owners of at least
4 fifty thirty percent of all real property lying within the
5 outside perimeter of the area designated for inclusion in the
6 proposed district, and shall state:

7 Sec. 2. Section 357A.8, subsection 1, Code 1995, is
8 amended to read as follows:

9 1. For an annual meeting of participating members between
10 January 1 and ~~March~~ May 1 of each year following the year of
11 incorporation of the district, and for the mailing of written
12 notice of the time and place of each annual meeting to each
13 participating member and publication of ~~such~~ the notice in a
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15 ten nor more than thirty days prior to each meeting.

16 Sec. 3. Section 357A.20, unnumbered paragraph 1, Code
17 1995, is amended to read as follows:

18 A nonprofit corporation incorporated under chapter 504A for
19 the specific purpose of operating a rural water system may
20 petition the supervisors for incorporation of a district, in
21 the manner provided by section 357A.2. The signatures of the
22 corporation's officers on the petition and a resolution
23 adopted by the corporation's board of directors approving the
24 petition shall suffice in lieu of signatures of owners of
25 fifty thirty percent of the real property in the proposed
26 district, if the corporation presents evidence satisfactory to
27 the supervisors that a sufficient number of members of the
28 proposed district will subscribe to benefit units to make its
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HOUSE FILE 128

AN ACT

RELATING TO ADMINISTRATIVE PROCEDURES AND THE JOINT INVESTMENT OF FUNDS OF RURAL WATER DISTRICTS.

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

Section 1. Section 331.555, subsection 6, Code 1995, is amended to read as follows:

6. The treasurer shall keep all funds invested to the extent practicable and may invest the funds jointly with one or more counties, judicial district departments of correctional services, cities, or city utilities, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

Sec. 2. Section 357A.2, unnumbered paragraph 3, Code 1995, is amended to read as follows:

The petition shall be signed by the owners of at least fifty thirty percent of all real property lying within the outside perimeter of the area designated for inclusion in the proposed district, and shall state:

Sec. 3. Section 357A.8, subsection 1, Code 1995, is amended to read as follows:

1. For an annual meeting of participating members between January 1 and March May 1 of each year following the year of incorporation of the district, and for the mailing of written notice of the time and place of each annual meeting to each participating member and publication of such the notice in a newspaper of general circulation in the district not less than ten nor more than thirty days prior to each meeting.

Sec. 4. Section 357A.11, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Place all funds in investments to the extent practicable and may invest the funds jointly with one or more counties, judicial district departments of correctional services, cities, or city utilities pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

Sec. 5. Section 357A.20, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A nonprofit corporation incorporated under chapter 504A for the specific purpose of operating a rural water system may petition the supervisors for incorporation of a district, in the manner provided by section 357A.2. The signatures of the corporation's officers on the petition and a resolution adopted by the corporation's board of directors approving the petition shall suffice in lieu of signatures of owners of fifty thirty percent of the real property in the proposed district, if the corporation presents evidence satisfactory to the supervisors that a sufficient number of members of the proposed district will subscribe to benefit units to make its operation feasible. The procedure for hearing and determination of disposition of the petition shall be as provided by this chapter.

Sec. 6. Section 384.21, Code 1995, is amended to read as follows:

384.21 JOINT INVESTMENT OF FUNDS.

A city or a city utility board shall keep all funds invested to the extent practicable and may invest the funds jointly with one or more cities, utility boards, judicial district departments of correctional services, or counties, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

Sec. 7. Section 905.6, subsection 4, Code 1995, is amended to read as follows:

4. Prepare all budgets and fiscal documents, and certify for payment all expenses and payrolls lawfully incurred by the district department. The director may invest funds which are not needed for current expenses, jointly with one or more cities, city utilities, ~~or~~ counties, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investment of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

RON J. CORBETT
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 128, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 25, 1995

TERRY E. BRANSTAD
Governor