

2/23/00 Do Pass

FEB 4 2000

LOCAL GOVERNMENT

HOUSE FILE
BY HUSEMAN

2161

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

A BILL FOR

1 An Act relating to the creation of a water quality district,
2 providing for the levy of a tax, and providing for other
3 properly related matters.

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

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HF 2161

1 Section 1. Section 357E.1, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. "District" means a benefited recreational lake district
4 or a water quality district or a combined district
5 incorporated and organized pursuant to this chapter.

6 Sec. 2. Section 357E.1, Code 1999, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 5. "Water quality activities" includes,
9 but is not limited to, public information dissemination,
10 creation or maintenance of grass waterways or wetlands,
11 dredging, bank stabilization, water treatment, water
12 monitoring, watershed protection, activities on lands outside
13 the district which affect water quality within the district,
14 and any other activity which will improve water quality of a
15 stream, river, or lake.

16 Sec. 3. Section 357E.2, Code 1999, is amended to read as
17 follows:

18 357E.2 INCORPORATION.

19 1. If an area of contiguous territory is situated so that
20 the acquisition, construction, reconstruction, enlargement,
21 improvement, equipping, maintenance, and operation of
22 recreation facilities for the residents of the territory will
23 be conducive to the public health, comfort, convenience, water
24 quality, or welfare, the area may be incorporated as a
25 benefited recreational lake district as set forth in this
26 chapter. The land to be included in a district must be
27 contiguous to the recreational lake or to other residential,
28 agricultural, or commercial property which is contiguous to
29 the recreational lake.

30 2. If an area of contiguous territory is situated so that
31 the performance of water quality activities, including the
32 acquisition, construction, reconstruction, enlargement,
33 improvement, equipping, maintenance, and operation of water
34 quality facilities for the residents of the district will be
35 conducive to the public health, comfort, convenience, water

1 quality, or welfare, the area may be incorporated as a water
2 quality district as provided in this chapter. The land to be
3 included in a district must be contiguous to a stream, river,
4 or lake, or to other property which, except for a public road
5 or other public land, is contiguous to a stream, river, or
6 lake.

7 3. If an area of contiguous territory is situated so that
8 the specifications of paragraphs "a" and "b" are met, the area
9 may be incorporated as a combined recreational facility and
10 water quality district as provided in this chapter. If the
11 trustees of a benefited recreational lake district wish to add
12 water quality activities to the district or the trustees of a
13 water quality district wish to add recreational facilities to
14 the district, the trustees shall submit a petition to the
15 board of supervisors to proceed with the establishment of a
16 combined district after following the same procedures as
17 provided in this chapter for establishing a separate district.

18 Sec. 4. Section 357E.3, subsection 1, unnumbered paragraph
19 1, Code 1999, is amended to read as follows:

20 The supervisors shall, on the petition of twenty-five
21 percent of the property owners of a proposed benefited
22 recreational lake district if the assessed valuation of the
23 property owned by the petitioners represents at least twenty-
24 five percent of the total assessed value of the proposed
25 district, hold a public hearing concerning the establishment
26 of a proposed district. However, for a proposed water quality
27 district, the petition shall contain signatures of the fewer
28 of twenty-five property owners or twenty-five percent of the
29 property owners of the proposed district. The petition shall
30 include a statement containing the following information:

31 Sec. 5. Section 357E.8, Code 1999, is amended to read as
32 follows:

33 357E.8 ELECTION ON PROPOSED LEVY AND CANDIDATES FOR
34 TRUSTEES.

35 When a preliminary plat has been approved by the board, an

1 election shall be held within the district within sixty days
2 to approve or disapprove the levy of a tax of not more than
3 four dollars per thousand dollars of assessed value on all the
4 taxable property within the benefited recreational lake
5 district except property assessed as agricultural land, and to
6 choose candidates for the offices of trustees of the district.
7 However, for a water quality district, the tax levy shall not
8 exceed twenty-five cents per thousand dollars of assessed
9 value on all taxable property within the district. A tax levy
10 approved for the purposes of this chapter shall not be levied
11 on property assessed as agricultural land. Notice of the
12 election, including the time and place of holding the
13 election, shall be given as provided in section 357E.4. The
14 vote shall be by ballot which shall state clearly the
15 proposition to be voted upon, and any registered voter
16 residing within the district at the time of the election may
17 vote. It is not mandatory for the county commissioner of
18 elections to conduct elections held pursuant to this chapter,
19 but the elections shall be conducted in accordance with
20 chapter 49 when not in conflict with this chapter. Judges
21 shall be appointed by the board from among the registered
22 voters of the district to be in charge of the election. The
23 judges are not entitled to receive pay. The proposition is
24 approved if a majority of those voting on the proposition vote
25 in favor of it.

26 EXPLANATION

27 This bill provides for the creation of a water quality
28 district. This bill amends Code chapter 357E which provides
29 for the creation of a benefited recreational lake district.
30 The procedures for creating the water quality district are the
31 same that are used for creating the benefited recreational
32 lake district. The bill provides for the creation of a
33 separate district or a combined district.

34 The water quality district may carry out activities
35 including public information, grass waterways, wetlands,

1 dredging, bank stabilization, water treatment, water
2 monitoring, watershed protection, activities outside of a
3 district which affect water quality within the district, and
4 other activities which will improve water quality of a stream,
5 river, or lake. A petition requesting the creation of a water
6 quality district requires the signatures of the fewer of 25
7 property owners or 25 percent of the property owners of the
8 proposed district. After two public hearings and an
9 engineer's report, the board of supervisors may call an
10 election to approve an annual tax levy not to exceed 25 cents
11 per thousand dollars of the assessed value of all taxable
12 property in the district except property assessed as
13 agricultural land. Agricultural land cannot be taxed for
14 purposes of a water quality district. Three trustees are also
15 elected to manage and control the affairs of the district.
16 The water quality district will have the same authority to
17 issue anticipatory bonds, add territory, or dissolve as a
18 benefited recreational lake district.

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