

Senate Study Bill 3090

Bill Text

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1 1 Section 1. Section [357E.1](#), subsection 2, Code 1999, is
1 2 amended to read as follows:

1 3 2. "District" means a benefited recreational lake district
1 4 or a water quality district or a combined district
1 5 incorporated and organized pursuant to this chapter.

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

1 8 NEW SUBSECTION. 5. "Water quality activities" includes,
1 9 but is not limited to, public information dissemination,
1 10 creation or maintenance of grass waterways or wetlands,
1 11 dredging, bank stabilization, water treatment, water
1 12 monitoring, watershed protection, activities on lands outside
1 13 the district which affect water quality within the district,
1 14 and any other activity which will improve water quality of a
1 15 stream, river, or lake.

1 16 Sec. 3. Section [357E.2](#), Code 1999, is amended to read as
1 17 follows:

1 18 357E.2 INCORPORATION.

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

1 30 2. If an area of contiguous territory is situated so that
1 31 the performance of water quality activities, including the
1 32 acquisition, construction, reconstruction, enlargement,
1 33 improvement, equipping, maintenance, and operation of water
1 34 quality facilities for the residents of the district will be
1 35 conducive to the public health, comfort, convenience, water
2 1 quality, or welfare, the area may be incorporated as a water
2 2 quality district as provided in this chapter. The land to be
2 3 included in a district must be contiguous to a stream, river,
2 4 or lake, or to other property which, except for a public road
2 5 or other public land, is contiguous to a stream, river, or
2 6 lake.

2 7 3. If an area of contiguous territory is situated so that
2 8 the specifications of paragraphs "a" and "b" are met, the area
2 9 may be incorporated as a combined recreational facility and
2 10 water quality district as provided in this chapter. If the
2 11 trustees of a benefited recreational lake district wish to add
2 12 water quality activities to the district or the trustees of a
2 13 water quality district wish to add recreational facilities to
2 14 the district, the trustees shall submit a petition to the
2 15 board of supervisors to proceed with the establishment of a
2 16 combined district after following the same procedures as
2 17 provided in this chapter for establishing a separate district.

2 18 Sec. 4. Section [357E.3](#), subsection 1, unnumbered paragraph
2 19 1, Code 1999, is amended to read as follows:

2 20 The supervisors shall, on the petition of twenty-five
2 21 percent of the property owners of a proposed benefited

2 22 recreational lake district if the assessed valuation of the
2 23 property owned by the petitioners represents at least twenty-
2 24 five percent of the total assessed value of the proposed
2 25 district, hold a public hearing concerning the establishment
2 26 of a proposed district. However, for a proposed water quality
2 27 district, the petition shall contain signatures of the fewer
2 28 of twenty-five property owners or twenty-five percent of the
2 29 property owners of the proposed district. The petition shall
2 30 include a statement containing the following information:

2 31 Sec. 5. Section 357E.8, Code 1999, is amended to read as
2 32 follows:

2 33 357E.8 ELECTION ON PROPOSED LEVY AND CANDIDATES FOR
2 34 TRUSTEES.

2 35 When a preliminary plat has been approved by the board, an
3 1 election shall be held within the district within sixty days
3 2 to approve or disapprove the levy of a tax of not more than
3 3 four dollars per thousand dollars of assessed value on all the
3 4 taxable property within the benefited recreational lake
3 5 district except property assessed as agricultural land, and to
3 6 choose candidates for the offices of trustees of the district.
3 7 However, for a water quality district, the tax levy shall not
3 8 exceed twenty-five cents per thousand dollars of assessed
3 9 value on all taxable property within the district. A tax levy
3 10 approved for the purposes of this chapter shall not be levied
3 11 on property assessed as agricultural land. Notice of the
3 12 election, including the time and place of holding the
3 13 election, shall be given as provided in section 357E.4. The
3 14 vote shall be by ballot which shall state clearly the
3 15 proposition to be voted upon, and any registered voter
3 16 residing within the district at the time of the election may
3 17 vote. It is not mandatory for the county commissioner of
3 18 elections to conduct elections held pursuant to this chapter,
3 19 but the elections shall be conducted in accordance with
3 20 chapter 49 when not in conflict with this chapter. Judges
3 21 shall be appointed by the board from among the registered
3 22 voters of the district to be in charge of the election. The
3 23 judges are not entitled to receive pay. The proposition is
3 24 approved if a majority of those voting on the proposition vote
3 25 in favor of it.

3 26 EXPLANATION

3 27 This bill provides for the creation of a water quality
3 28 district. This bill amends Code chapter 357E which provides
3 29 for the creation of a benefited recreational lake district.
3 30 The procedures for creating the water quality district are the
3 31 same that are used for creating the benefited recreational
3 32 lake district. The bill provides for the creation of a
3 33 separate district or a combined district.

3 34 The water quality district may carry out activities
3 35 including public information, grass waterways, wetlands,
4 1 dredging, bank stabilization, water treatment, water
4 2 monitoring, watershed protection, activities outside of a
4 3 district which affect water quality within the district, and
4 4 other activities which will improve water quality of a stream,
4 5 river, or lake. A petition requesting the creation of a water
4 6 quality district requires the signatures of the fewer of 25
4 7 property owners or 25 percent of the property owners of the
4 8 proposed district. After two public hearings and an
4 9 engineer's report, the board of supervisors may call an
4 10 election to approve an annual tax levy not to exceed 25 cents
4 11 per thousand dollars of the assessed value of all taxable
4 12 property in the district except property assessed as
4 13 agricultural land. Agricultural land cannot be taxed for
4 14 purposes of a water quality district. Three trustees are also
4 15 elected to manage and control the affairs of the district.
4 16 The water quality district will have the same authority to
4 17 issue anticipatory bonds, add territory, or dissolve as a
4 18 benefited recreational lake district.

4 19 LSB 5975SC 78
4 20 tj/as/5