

House File 188

HOUSE FILE _____
BY HUSER

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

A BILL FOR

1 An Act modifying water service requirements for rural water
2 providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1992HH 82
5 eg/gg/14

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1 1 Section 1. NEW SECTION. 357A.2A WATER SERVICE WITHIN TWO
1 2 MILES OF A CITY == NOTICE.
1 3 1. A district or a rural water association incorporated
1 4 under this chapter or chapter 504 shall not provide water
1 5 service, other than water service provided as of April 1,
1 6 1987, within two miles of the limits of a city, except as
1 7 provided in this section.
1 8 2. A district or a rural water association incorporated
1 9 under this chapter or chapter 504 may give notice of intent to
1 10 provide water service to a new area within two miles of a city
1 11 by submitting a water plan to the city council, or if the city
1 12 has a municipal water utility that is governed by a board of
1 13 trustees to the city's utility board. The plan is only
1 14 required to indicate the area within two miles of the city
1 15 which the district or rural water association intends to
1 16 serve. If the city fails to respond to the plan within ninety
1 17 days of the city's receipt of the plan, the district or rural
1 18 water association may provide service in the area designated
1 19 in the plan. The city may inform the district or the rural
1 20 water association within ninety days of the city's receipt of
1 21 the plan that the city requires additional time or information
1 22 to study the question of providing water service outside the
1 23 limits of the city. If additional time or information is
1 24 required, the city shall respond to the plan within one
1 25 hundred eighty days of the city's receipt of the plan. In
1 26 responding to the plan, the city may waive its right to
1 27 provide water service within the areas designated for service
1 28 by the district or rural water association, or the city may
1 29 reserve the right to provide water service in some or all of
1 30 the areas which the district or association intends to serve.
1 31 If the city reserves the right to provide water service within
1 32 some or all of the areas which the district or rural water
1 33 association intends to serve, the city shall provide service
1 34 within four years of the city's receipt of the plan. This
1 35 section does not preclude a city from providing water service
2 1 in an area which is annexed by the city.

2 2 Sec. 2. Section 357A.2, unnumbered paragraphs 4 and 5,
2 3 Code 2007, are amended by striking the unnumbered paragraphs.

EXPLANATION

2 5 This bill creates new Code section 357A.2A that is
2 6 substantially similar to current Code section 357A.2 that
2 7 restricts a rural water district or a rural water association
2 8 from providing water service within two miles of a city. A
2 9 rural water district or a rural water association that intends
2 10 to provide such water service is required to notify the city
2 11 council or the city's utility board.
2 12 The bill makes the distinction between a rural water
2 13 district and a rural water association. A rural water
2 14 association is not a "district", i.e., organized under Code
2 15 chapter 357A. See Rural Water System #1 v. City of Sioux
2 16 Center, Iowa, 202 F.3d 1035 (8th Cir. 2000).
2 17 LSB 1992HH 82
2 18 eg:rj/gg/14