

Senate File 440 - Introduced

SENATE FILE _____
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1236)

Passed Senate, Date _____ Passed House, 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 1992SV 82
5 eg/gg/14

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1 1 Section 1. Section 357A.2, unnumbered paragraphs 4 and 5,
1 2 Code 2007, are amended to read as follows:
1 3 Water services, other than water services provided as of
1 4 April 1, 1987, shall not be provided within two miles of the
1 5 limits of a city by a rural water district incorporated under
1 6 this chapter or chapter 504 except as provided in this
1 7 section. Water services, other than water services provided
1 8 as of July 1, 2007, shall not be provided within two miles of
1 9 the limits of a city by a rural water district or association
1 10 incorporated under this chapter or chapter 504, except as
1 11 provided in this section.

1 12 A rural water district or association incorporated under
1 13 this chapter or chapter 504 may give notice of intent to
1 14 provide water service to a new area within two miles of a city
1 15 by submitting a water plan to the city. The plan is only
1 16 required to indicate the area within two miles of the city
1 17 which the rural water district or association intends to
1 18 serve. If the city fails to respond to the rural water
1 19 district's or association's plan within ninety days of receipt
1 20 of the plan, the rural water district or association may
1 21 provide service in the area designated in the plan. The city
1 22 may inform the rural water district or association within
1 23 ninety days of receipt of the plan that the city requires
1 24 additional time or information to study the question of
1 25 providing water service outside the limits of the city. If
1 26 additional time or information is required, the city shall
1 27 respond to the rural water district's or association's plan
1 28 within one hundred eighty days of receipt of the plan. In
1 29 responding to the plan, the city may waive its right to
1 30 provide water service within the areas designated for service
1 31 by the rural water district or association, or the city may
1 32 reserve the right to provide water service in some or all of
1 33 the areas which the rural water district or association
1 34 intends to serve. If the city reserves the right to provide
1 35 water service within some or all of the areas which the rural
2 1 water district or association intends to serve, the city shall
2 2 provide service within four years of receipt of the plan.
2 3 This section does not preclude a city from providing water
2 4 service in an area which is annexed by the city.

EXPLANATION

2 6 This bill amends Code section 357A.2 that restricts both a
2 7 rural water district and a rural water association from
2 8 providing water service within two miles of a city. A rural
2 9 water district or a rural water association that intends to
2 10 provide such water service is required to notify the city
2 11 council or the city's utility board.
2 12 The bill identifies both rural water districts and rural
2 13 water associations. A rural water association is not a
2 14 "district", i.e., organized under Code chapter 357A. See
2 15 Rural Water System #1 v. City of Sioux Center, Iowa, 202 F.3d
2 16 1035 (8th Cir. 2000).
2 17 LSB 1992SV 82

