

House File 2192 - Introduced

HOUSE FILE 2192
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HF 516)
(SUCCESSOR TO HSB 111)

A BILL FOR

1 An Act relating to rural water providers by making changes to
2 water service requirements.

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

1 Section 1. Section 357A.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6A. "Rural water association" or
4 "association" means a rural water association organized and
5 incorporated as a cooperative association under chapter 499 or
6 as a nonprofit corporation under chapter 504.

7 Sec. 2. Section 357A.2, subsections 3 and 4, Code 2014, are
8 amended to read as follows:

9 3. Water services, other than water services provided as
10 of April 1, 1987, shall not be provided within two miles of
11 the limits of a city by a rural water district incorporated
12 under this chapter ~~or chapter 504~~ except as provided in this
13 section. Except as otherwise provided in this section, a rural
14 water association shall not provide water services within two
15 miles of a city, other than water services provided as of July
16 1, 2014.

17 4. a. A rural water district ~~incorporated under this~~
18 ~~chapter or chapter 504~~ or rural water association may give
19 notice of intent to provide water service to a new area within
20 two miles of a city by submitting a water plan to the city.
21 This subsection shall not apply in the case of a district or
22 association extending service to new customers or improving
23 existing facilities within existing district or association
24 service areas or under existing district or association
25 agreements. If water service is provided by a city utility
26 established under chapter 388, the water plan shall be filed
27 with the governing body of that city utility. The district
28 or association shall provide written notice pursuant to this
29 subsection by certified mail.

30 b. The water plan is only required to shall indicate
31 the area within two miles of the city which the ~~rural water~~
32 district or association intends to serve within the next three
33 years. Upon request, the city or city utility shall provide
34 a district or association with a map of the city limits that
35 indicates areas that are currently provided water service by

1 a city utility or enterprise.

2 c. If the city fails to respond to the ~~rural-water~~
3 ~~district's water plan~~ within ninety seventy-five days of
4 receipt of the plan, the ~~rural-water~~ district or association
5 may provide service in the area designated in the plan. The
6 city may inform the ~~rural-water~~ district or association within
7 ninety seventy-five days of receipt of the plan that the city
8 requires additional time or information to study the question
9 of providing water service outside the limits of the city. If
10 additional time or information is required, the city shall
11 respond to the ~~rural-water-district's plan~~ by certified mail
12 within one hundred eighty sixty-five days of receipt of the
13 plan.

14 d. (1) In responding to the plan, the city may
15 affirmatively waive its right to provide water service within
16 the areas designated for water service by the rural water
17 district, or the city may reserve the right to provide water
18 service in some or all of the areas which the ~~rural-water~~
19 district or association intends to serve.

20 (2) (a) If the city reserves the right to provide water
21 service, the city shall provide the district or association
22 with a copy of the city's water plan relating to the city's
23 intent and ability to provide water service to such an area.

24 (b) If the city reserves the right to provide water service
25 within some or all of the areas which the ~~rural-water~~ district
26 or association intends to serve, the city shall provide service
27 within ~~four~~ three years of receipt of the water plan submitted
28 under paragraph "a". ~~This section does not preclude a city~~
29 ~~from providing water service in an area which is annexed by the~~
30 ~~city.~~

31 (c) If the city reserving the right to provide service
32 fails to provide service within three years, the city waives
33 its right to provide water service and shall provide notice to
34 the district or association by certified mail and the district
35 or association may provide service within the area of the water

1 plan submitted under paragraph "a".

2 (3) If the district or association fails to provide
3 service within three years after a city waives the right to
4 provide water service under this paragraph "d", the district or
5 association shall provide notice to the city by certified mail
6 and the city may provide service within the area of the water
7 plan submitted under paragraph "a".

8 (4) For purposes of this paragraph "d", "provide water
9 service" and "provide service" mean to deliver water in
10 sufficient quantity and quality to meet customer demand. The
11 department of natural resources shall determine whether such
12 service is adequately provided.

13 Sec. 3. Section 357A.2, Code 2014, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 5. This section does not preclude a city
16 from providing water service in an area which is annexed by the
17 city pursuant to section 357A.21.

18 Sec. 4. Section 357A.21, Code 2014, is amended to read as
19 follows:

20 **357A.21 Annexation of land by a city — mediation —**
21 **arbitration.**

22 1. A water district organized under this chapter, chapter
23 357, 499, or 504 or association shall be fairly compensated for
24 losses resulting from annexation. The governing body of a city
25 or water utility and the board of directors or trustees of the
26 water district or association may agree to terms which provide
27 that the facilities owned by the water district or association
28 and located within the city shall be retained by the water
29 district or association for the purpose of transporting water
30 to customers outside the city.

31 2. If an agreement is not reached under subsection 1,
32 the governing body of the city or water utility or the board
33 of directors or trustees of the district or association may
34 request mediation pursuant to chapter 679C. The governing
35 body or board requesting mediation shall be responsible for

1 the costs of the mediation. A mediation committee shall be
2 established if a governing body or board requests mediation
3 pursuant to this subsection. The mediation committee shall
4 consist of one member of the governing body of the city or the
5 governing body's designee, one member of the board of directors
6 or trustees of the district or association, as applicable, and
7 one disinterested member chosen by the other two members. A
8 list of qualified mediators may be obtained from the American
9 arbitration association, the public employment relations board
10 established pursuant to section 20.5, or a recognized mediation
11 organization or association.

12 3. If an agreement is not reached within ninety days, the
13 issues may be submitted to arbitration. If submitted, an
14 arbitrator shall be selected by a committee which includes
15 one member of the governing body of the city or its designee,
16 one member of the ~~water~~ district's or association's board of
17 directors or trustees or its designee, as applicable, and a
18 disinterested party selected by the other two members of the
19 committee. A list of qualified arbitrators may be obtained
20 from the American arbitration association or other recognized
21 arbitration organization or association.

22 Sec. 5. NEW SECTION. 388.11 **Liability within two miles.**

23 A city or city utility providing water service within two
24 miles of the limits of the city shall not be liable for a claim
25 for failure to provide or maintain fire hydrants, facilities,
26 or an adequate supply of water or water pressure for fire
27 protection purposes in the area receiving water service if such
28 hydrants, facilities, or water are not intended to be used for
29 fire protection purposes.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to rural water providers by making changes
34 to water service requirements.

35 The bill defines "rural water association".

1 The bill places certain limitations on the provision of
2 water services by rural water associations to areas that are
3 within two miles of a city after July 1, 2014.

4 Current law provides that a rural water district may provide
5 notice of intent to provide water service to a new area within
6 two miles of a city by submitting a water service plan to the
7 city. The bill requires that if a city's water service is
8 provided by a city utility, notice shall be provided to the
9 governing board of the city utility. The bill also provides
10 that the written notice be provided by certified mail.

11 Current law requires that a water plan submitted by a rural
12 water district include the new area that the district intends
13 to serve. The bill requires that a district or association
14 include in its water plan any area that the district or
15 association intends to serve within three years.

16 Current law provides that a city may waive its right to
17 provide water service within the areas designated in a water
18 plan. The bill lowers the number of days for allowable
19 responses to a water plan. The bill requires that a city
20 provide water service to an area within three years if the
21 city reserves the right to provide such service to the area
22 and requires that the city provide the district or association
23 with a copy of the city's water plan relating to the city's
24 intent and ability to provide such service. The bill requires
25 that such water service be provided in sufficient quantity and
26 quality to meet customer demand. The bill provides that if a
27 city reserves such a right and fails to provide service within
28 three years, the city waives its right to provide service. If
29 a city waives the right to provide service, the district or
30 association is permitted to provide service as described in
31 the district or association water plan. The bill requires
32 that such water service be provided in sufficient quantity and
33 quality to meet customer demand.

34 The bill further provides that if the city or city utility
35 cannot reach an agreement for the retention of certain rights

1 by a district or association, the issues may be submitted to
2 mediation.

3 The bill further provides that a city or city utility
4 providing water service within two miles of the limits of the
5 city is not liable for failure to provide or maintain fire
6 hydrants, facilities, or an adequate supply of water or water
7 pressure for fire protection purposes in the area receiving
8 water service if such hydrants, facilities, or water supplies
9 are not intended to be used for fire protection purposes.