

pursuant to chapter 17A. The height of the vehicles and loads shall be limited only to height limitations of underpasses, bridges, power lines and other established height restrictions on the specified route. ~~A mobile home shall not be moved under the provisions of this section if the actual mobile home width exceeds twelve feet, five inches or length exceeds sixty-seven feet, six inches, excluding hitch or any overhang. The vehicle with load shall be accompanied by an escort as required by rules adopted pursuant to chapter 17A.~~

Sec. 3. Section 321E.14, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The department or local authorities issuing the permits shall charge a fee of twenty-five dollars for an annual permit and a fee of ten dollars for a single-trip permit and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed ~~one~~ two hundred fifty dollars per ~~ten-hour~~ day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 17, operated pursuant to section 321E.7, subsection 2, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

Sec. 4. Section 321E.28, subsection 1, Code 1991, is amended by striking the subsection.

Approved May 8, 1991

CHAPTER 134

RURAL WATER DISTRICTS

S.F. 382

AN ACT relating to rural water districts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 357A.1, subsections 3, 5, and 6, Code 1991, are amended to read as follows:

3. "Member" means any an owner of land real property which is located within a district, ~~or the occupant thereof tenant of the real property, or other another person~~ acting for the owner with the owner's written consent.

5. "Supervisors" means the board of supervisors of any a county, or the joint boards board of supervisors of any two or more counties an adjacent county, in which a district has been incorporated and organized or is proposed to be incorporated and organized.

6. "Auditor" means the county auditor of any a county in which a district has been incorporated and organized or is proposed to be incorporated and organized ~~or, in the case of a district or proposed district lying in two or more counties, the auditor of the county having the largest district acreage.~~

Sec. 2. Section 357A.2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A petition may at any time be filed with the auditor requesting the supervisors to incorporate and organize a district encompassing an area, not then included in any other district, in ~~any a county or any in~~ two or more adjacent counties for the purpose of providing an adequate supply of water for ~~domestic purposes~~ to residents of the area who are not served by the water mains of any city water system ~~and who cannot feasibly obtain adequate supplies of water from wells on their own premises.~~

Sec. 3. Section 357A.2, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The petition shall be signed by the owners of at least fifty percent of all ~~land real property~~ lying within the outside perimeter of the area designated for inclusion in the proposed district, and shall state:

1. The location of the area so ~~designated~~, describing such area ~~by section, or fraction thereof, and by township and range to be served or specifying the area by an attached map.~~
2. The reasons a district is needed.
3. A new water service plan describing the cost feasibility and estimated construction schedules.

Sec. 4. Section 357A.3, subsection 2, Code 1991, is amended to read as follows:

2. Be transmitted, together with a copy of the original petition, to the ~~council~~ supervisors.

Sec. 5. Section 357A.4, subsections 1 and 3, Code 1991, are amended to read as follows:

1. The location of the ~~land area~~ designated by the petitioners for incorporation in the proposed district, as described ~~or shown~~ by the original petition.
3. That all owners or ~~occupants~~ tenants of land real property within the boundaries described may appear and be heard.

Sec. 6. Section 357A.5, Code 1991, is amended to read as follows:

357A.5 WHO MAY BE HEARD.

At the hearing on the petition, any owner or ~~occupant~~ tenant of land real property within the boundaries of the area described in the petition may appear, in person or by a designated representative, and any representative of the department, a city, or an interested person may also appear, in favor of or in opposition to the incorporation and organization of the proposed district. The appearances may also be filed in writing prior to the time set for the hearing.

Sec. 7. Section 357A.6, unnumbered paragraph 2, Code 1991, is amended to read as follows:

If the supervisors find that required notice of the hearing has been given and that ~~such the~~ proposed district is reasonably necessary for the public health, convenience, ~~fire protection,~~ and comfort of the residents, or may be of benefit in providing fire protection, they shall make an order establishing the district as a ~~body politic~~ political subdivision, describing designating its boundary, and ~~designating~~ identifying it by name or number. The order shall be published in the same newspaper which published the notice of hearing. The supervisors shall prepare and preserve a complete record of the hearing on the petition and their findings and action ~~thereon.~~

Sec. 8. Section 357A.11, subsection 3, Code 1991, is amended to read as follows:

3. Employ, appoint, or retain attorneys, engineers, other professional and technical employees, and ~~such~~ other personnel as necessary, and require and approve bonds of district employees. The board may enter into agreements pursuant to chapter 28E to provide professional or technical services under this subsection to other water districts, nonprofit corporations, or related associations.

Sec. 9. Section 357A.11, subsection 8, Code 1991, is amended to read as follows:

8. Have power to finance all or part of the cost of the construction or purchase of any project necessary to carry out the purposes for which the district is incorporated, or to refinance all or part of the original cost of any such project, and to evidence that financing by issuance of revenue bonds or notes which shall mature in a period not to exceed forty years from date

of issuance, shall bear interest, or combined interest and insurance charges, at a rate not to exceed that permitted by chapter 74A, shall be payable only from revenue derived from sale of water by the district, and shall never become or be construed to be a debt against the state of Iowa or any of its political subdivisions other than the district issuing the bonds. ~~A statutory mortgage lien shall exist upon the water system and appurtenances and extensions so acquired in favor of the holders of the bonds and notes.~~

Sec. 10. Section 357A.11, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 10. Have power to join the Iowa association of rural water districts, and pay out of funds available to the board, reasonable dues to the association. The financial condition and transactions of the Iowa association of rural water districts must be audited in the same manner as rural water districts.

NEW SUBSECTION. 11. This chapter and chapter 384, as it applies to rural water districts, shall not be construed to mean that the real property of any rural water subscriber shall be used as security for any debts of a rural water district. However, the failure to pay water rates or charges by a subscriber may result in a lien being attached against the premises served upon certification to the county treasurer that the rate or charges are due.

Sec. 11. Section 357A.12, Code 1991, is amended to read as follows:

357A.12 PLANS, AND SPECIFICATIONS, AND PROCEDURES.

As soon as reasonably possible after incorporation of a district, the board shall file with the supervisors and the department copies of the plans and specifications for, and estimates of the cost of, any improvements authorized by this chapter which the board proposes to construct or acquire. The board shall determine a reasonable fee which each member shall pay for the privilege of utilizing the district's facilities, and which shall be known as a benefit unit. Benefit units may be classified. The board, by publication in a newspaper of general circulation in the district, shall generally describe the planned improvements, the area to be served and the fee members will be required to pay for each service connected to the water system.

The procedures for contract letting specified in sections 384.95 through 384.102 and as specified in section 384.103, subsection 2, shall apply to construction carried out pursuant to this chapter. References in those sections to a city shall be applicable to a rural water district operating under this chapter, and references to a city council shall be applicable to the board of directors of a rural water district.

Sec. 12. Section 357A.14, subsection 1, Code 1991, is amended to read as follows:

1. Owners of land real property outside any district which can economically be served by the facilities of the district may petition to be attached to the district. The petition ~~therefor~~ shall be filed with the auditor, and the auditor and supervisors shall ~~proceed thereon~~, in substantially the same manner as is provided by this chapter for filing of and proceeding on a petition for incorporation and organization of a district.

Sec. 13. Section 357A.14, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 4. If there is a conflict between two or more districts concerning which district will serve an area, the supervisors of the county in which the disputed area is located shall, after a public hearing, determine which district can more adequately and economically provide service within the area.

Sec. 14. Section 357A.16, Code 1991, is amended to read as follows:

357A.16 DETACHING LAND REAL PROPERTY FROM DISTRICT.

If it becomes apparent that certain lands any real property included within a district cannot economically or adequately be served by the facilities of the district, the owners of ~~such lands~~ the real property may file with the auditor a petition to the supervisors requesting that ~~those lands~~ the real property be detached from the district. The petition shall:

1. Describe by section, or fraction thereof, and by township and range, the lands real prop-
erty which it is proposed to detach from the district.

2. State that ~~such lands~~ the real property cannot economically or adequately be served by the facilities of the district, and that it is not feasible for the district to enlarge or extend its facilities so as to economically and adequately serve ~~such lands~~ the real property.

3. Be signed by the owners of all the ~~lands~~ real property which it is desired to detach from the district.

Sec. 15. Section 357A.18, subsection 1, Code 1991, is amended to read as follows:

1. The petition meets all of the requirements prescribed by ~~this Act~~ section 357A.16 or section 357A.17 for either such petition.

Sec. 16. Section 357A.18, unnumbered paragraph 2, Code 1991, is amended to read as follows:

If the supervisors' finding on each of the foregoing points is positive, it shall declare the ~~lands~~ real property described in the petition detached from the district, or declare the district dissolved, as the case may be. The supervisors shall notify the secretary of the district of its action, and the secretary shall amend the records of the district to show that the ~~land~~ real property described in the petition has been detached from the district, or shall within thirty days deliver to the auditor all records, maps, plans, and files of the district dissolved, ~~as the case may be~~.

Sec. 17. Section 357A.20, Code 1991, is amended to read as follows:

357A.20 ALTERNATE OPERATION BY NONPROFIT CORPORATION.

A nonprofit corporation incorporated under ~~the laws of the state of Iowa~~ chapter 504A for the specific purpose of operating a rural water system may petition the supervisors for incorporation of a district, in the manner provided by section 357A.2. The signatures of the corporation's officers on the petition and a resolution adopted by the corporation's board of directors approving the petition shall suffice in lieu of signatures of owners of fifty percent of the ~~land~~ real property in the proposed district, ~~provided~~ if the corporation presents evidence satisfactory to the supervisors that a sufficient number of members of the proposed district will subscribe to benefit units to make its operation feasible. The procedure for hearing and determination of disposition of the petition shall be as provided by this chapter.

PARAGRAPH DIVIDED. In any district incorporated upon the petition of a nonprofit corporation, the following procedures shall apply:

1. After final approval of the petition by a board of supervisors, the secretary of the corporation shall file a notice with the secretary of state dissolving the nonprofit corporation in accordance with chapter 504A.

2. Upon filing of the notice, the nonprofit corporation shall cease to exist as a chapter 504A entity and all assets and liabilities of the nonprofit corporation become the assets and liabilities of the newly organized district without a need for any further meetings, voting, notice to creditors, or other actions by the members or board.

3. The officers and board of directors of the corporation shall be the officers and board of the district.

4. The applicable laws of the state and the articles of incorporation and bylaws of the corporation shall control the initial size and initial term of office of such officers and board, in lieu of sections 357A.7, 357A.9, and 357A.10. ~~At the first annual meeting of the participating members and board of directors, the~~

5. The district shall bring its operation and structure in compliance with sections 357A.7 to 357A.10 at the first annual meeting of the participating members and board of directors.

Approved May 8, 1991