

c. That all owners or tenants of real property within the boundaries of the area may appear and be heard.

4. After the hearing the board of supervisors shall order that the area subject to the petition be detached from one district and attached to the other district, if the board determines that all of the following have been satisfied:

- a. The petition meets the requirements of this section.
- b. The information included in the petition is accurate.
- c. Notice required in this section has been provided.
- d. The detachment and attachment is in the best interest of the residents of the area subject to the petition.

The order shall be published in the same newspaper which published the notice of the hearing.

5. This section does not preclude any procedure for detaching an area from or attaching an area to a district as otherwise provided by law, including this chapter.

Approved May 6, 1998

CHAPTER 1168
RURAL IMPROVEMENT ZONES
S.F. 2284

AN ACT relating to rural improvement zones.

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

Section 1. Section 357H.1, Code Supplement 1997, is amended to read as follows:
357H.1 RURAL IMPROVEMENT ZONES.

The board of supervisors of a county with less than eleven thousand five hundred residents but more than ten thousand five hundred residents, based upon the 1990 certified federal census, and with a private lake development, shall designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements. For purposes of this chapter, "improvements" means dredging, installation of erosion control measures, land acquisition, and related improvements, including soil conservation practices, within or outside of the boundaries of the zone.

For purposes of this chapter, "board" means the board of supervisors of the county.

Sec. 2. Section 357H.6, Code Supplement 1997, is amended to read as follows:
357H.6 TRUSTEES — TERMS AND QUALIFICATIONS.

The election of trustees of a rural improvement zone shall take place at a special election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by eligible electors of the rural improvement zone equal in number to one percent of the vote cast within the zone for governor in the last previous general election, and shall be filed with the county commissioner of elections. A plurality shall be sufficient to elect the five trustees of the rural improvement zone, and no primary election for that office shall be held. At the original election, two trustees shall be elected for one year, two for two years, and one for three years. The terms of the succeeding trustees are for three years. The terms of the trustees shall begin immediately after their

election and certification. The trustees must be residents of the zone. Vacancies on the board shall be filled by appointment by the remaining trustees.

Sec. 3. Section 357H.8, Code Supplement 1997, is amended to read as follows:

357H.8 CERTIFICATES, CONTRACTS, AND OTHER OBLIGATIONS — STANDBY TAX.

To provide funds for the payment of the costs of improvement projects and for the payment of other activities authorized pursuant to section 357H.7, the board of trustees may borrow money and issue and sell certificates or may enter into contracts or other obligations payable from a sufficient portion of the future receipts of tax revenue authorized pursuant to section 357H.9 and the standby tax in subsection 4 of this section. The receipts shall be pledged to the payment of principal of and interest on the certificates, contracts, or other obligations.

1. Certificates may be sold at public sale or at private sale at par, premium, or discount at the discretion of the board of trustees. Chapter 75 does not apply to the issuance of these certificates.

2. Certificates may be issued with respect to a single improvement project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates. However, certificates shall not be issued after January 1, 2007, except to refund other certificates as provided in subsection 3.

3. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times, or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded, may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates, and may bear a rate of interest higher or lower than, or equivalent to, the rate of interest on certificates being renewed or refunded.

4. To further secure the payment of the certificates, the board of trustees shall, by resolution, provide for the assessment of an annual levy of a standby tax upon all taxable property within the rural improvement zone. A copy of the resolution shall be sent to the county auditor. The revenues from the standby tax shall be deposited in a special fund and shall be expended only for the payment of principal of and interest on the certificates issued as provided in this section, when the receipt of tax revenues pursuant to section 357H.9 is insufficient. If payments are necessary and made from the special fund, the amount of the payments shall be promptly repaid into the special fund from the first available payments received which are not required for the payment of principal of or interest on certificates due. No reserves may be built up in the special fund in anticipation of a projected default. The board of trustees shall adjust the annual standby tax levy for each year to reflect the amount of revenues in the special fund and the amount of principal and interest which is due in that year.

5. Before certificates, contracts, or other obligations are issued or entered into, the board of trustees shall publish a notice of its intention ~~to issue the certificates,~~ stating the amount, the purpose, and the improvement project or projects for which the certificates, contracts, or other obligations are to be issued or entered into. A person may, within fifteen days after the publication of the notice, appeal the decision of the board of trustees in proposing to issue the certificates or to enter into the contracts or other obligations to the district court in the county in which the rural improvement zone exists. The action of the board of trustees in determining to issue the certificates or to enter into the contracts or other obligations is final and conclusive unless the district court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, contracts, or other obligations, the power of the board of trustees to issue the certificates or to enter into the contracts or other obligations, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates or

~~entrance into the contracts or other obligations~~ after fifteen days from the publication of the notice of intention to issue ~~certificates or enter into contracts or other obligations~~.

6. The board of trustees shall determine if revenues are sufficient to secure the faithful performance of obligations.

Sec. 4. Section 357H.9, Code Supplement 1997, is amended to read as follows:

357H.9 INCREMENTAL PROPERTY TAXES.

The board of trustees shall provide by resolution that taxes levied on the taxable property in a rural improvement zone each year by or for the benefit of the state, city, county, school district, or other taxing district after the effective date of the resolution shall be divided as provided in section 403.19, subsections 1 and 2, in the same manner as if the taxable property in the rural improvement zone was taxable property in an urban renewal area and the resolution was an ordinance within the meaning of those subsections. The taxes received by the board of trustees shall be allocated to, and when collected be paid into, a special fund and may be irrevocably pledged by the trustees to pay the principal of and interest on the certificates ~~issued, contracts, or other obligations approved~~ by the ~~board of~~ trustees to finance or refinance, in whole or in part, an improvement project. As used in this section, "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property located in the rural improvement zone.

Approved May 6, 1998

CHAPTER 1169
SEX OFFENDER REGISTRY
S.F. 2292

AN ACT relating to the sex offender registry and providing for the Act's applicability.

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

Section 1. Section 692A.1, subsection 3, paragraphs a and b, Code Supplement 1997, are amended by striking the paragraphs.

Sec. 2. Section 692A.1, subsection 3, paragraph m, Code Supplement 1997, is amended to read as follows:

~~m. n.~~ An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "~~l~~" "m".

Sec. 3. Section 692A.1, subsection 3, Code Supplement 1997, is amended by adding the following new paragraph after paragraph h and by relettering current paragraphs i through l as paragraphs j through m:

NEW PARAGRAPH. i. Incest committed against a minor.

Sec. 4. Section 692A.1, subsection 6, Code Supplement 1997, is amended to read as follows:

6. "Sexually violent offense" means any of the following indictable offenses:
 - a. Sexual abuse as defined under section 709.1.
 - b. Assault with intent to commit sexual abuse in violation of section 709.11.
 - c. Sexual misconduct with offenders in violation of section 709.16.
 - d. ~~Telephone dissemination of obscene materials in violation of section 728.15.~~