MAR 1 4 2005
Place On Calendar

HOUSE FILE 746
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 341)

Passed House, Date 3-21-05 Passed Senate, Date 4-13-05
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 1
Approved 4-29-05

A BILL FOR

1 An Act providing procedures for a rural water district to
2 transfer its right to provide water or wastewater service and
3 for dissolution of the district.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 746

TLSB 1367HV 81
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S.F. _____ H.F. 746

1 Section 1. Section 357A.11, Code 2005, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 13. In addition to all other powers
4 granted to the board, the board may sell, convey, merge, or
5 otherwise dispose of all or any portion of the real property
6 or personal property of the district and all or any portion of
7 the district's right to provide water or wastewater service to
8 an area in order that another service provider permitted by
9 the department of natural resources pursuant to chapter 455B
10 may assume any or all of the district's duties and obligations
11 or that the district may be dissolved. If the district is to
12 be dissolved, the board shall file a notice of dissolution
13 with the auditor of the county or counties in which the
14 district is located.
15 Prior to such sale, conveyance, merger, or disposition by
16 the board that includes the relinquishment of the district's
17 right to provide service to an area, the board shall publish
18 notice of a public hearing not less than four nor more than
19 twenty days before the date fixed for the hearing in a
20 newspaper of general circulation in the area for which the
21 board seeks to relinquish service. The board shall mail
22 notice of a public hearing to the district's members in the
23 area for which the board seeks to relinquish service not less
24 than fourteen days prior to such public hearing. A public
25 hearing is not required when the board relinquishes the
26 district's right to service an area within the corporate
27 limits of a city if the city will provide service in
28 compliance with the city's annexation plan.
29 After hearing or if none is required, the board may adopt a
30 resolution approving the sale, conveyance, merger, or
31 disposition; however, the board shall provide for the
32 continuation of water or wastewater service to the area by
33 another service provider immediately following such sale,
34 conveyance, merger, or disposition.
35 EXPLANATION

This bill provides a rural water district with the authority to transfer the district's real and personal property and all rights, including the right to provide water or wastewater service for an area, in order that another service provider permitted by the department of natural resources pursuant to Code chapter 455B may assume the district's duties and obligations or that the district may be dissolved. The bill requires that notice of hearing be published in a newspaper of general circulation and mailed to the members of the district. A hearing is not required when the district relinquishes the district's right to provide service to an area within city limits. The bill requires that water or wastewater service be continued after the relinquishment of the district's right to provide such service.

HOUSE FILE 746

AN ACT

PROVIDING PROCEDURES FOR A RURAL WATER DISTRICT TO TRANSFER ITS RIGHT TO PROVIDE WATER OR WASTEWATER SERVICE AND FOR DISSOLUTION OF THE DISTRICT.

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

Section 1. Section 357A.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 13. In addition to all other powers granted to the board, the board may sell, convey, merge, or otherwise dispose of all or any portion of the real property or personal property of the district and all or any portion of the district's right to provide water or wastewater service to an area in order that another service provider permitted by the department of natural resources pursuant to chapter 455B may assume any or all of the district's duties and obligations or that the district may be dissolved. If the district is to be dissolved, the board shall file a notice of dissolution with the auditor of the county or counties in which the district is located.

Prior to such sale, conveyance, merger, or disposition by the board that includes the relinquishment of the district's right to provide service to an area, the board shall publish notice of a public hearing not less than four nor more than twenty days before the date fixed for the hearing in a newspaper of general circulation in the area for which the board seeks to relinquish service. The board shall mail notice of a public hearing to the district's members in the area for which the board seeks to relinquish service not less than fourteen days prior to such public hearing. A public

hearing is not required when the board relinquishes the district's right to service an area within the corporate limits of a city if the city will provide service in compliance with the city's annexation plan.

After hearing or if none is required, the board may adopt a resolution approving the sale, conveyance, merger, or disposition; however, the board shall provide for the continuation of water or wastewater service to the area by another service provider immediately following such sale, conveyance, merger, or disposition.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 746, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/29, 2005

THOMAS J. VILSACK
Governor

H.F. 746