

FILED MAY 12 1976

Reprinted

SENATE FILE 1332

BY COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 5-13-76 (p. 1973) Passed House, Date \_\_\_\_\_  
Vote: Ayes 33 Nays 12 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act making appropriations to the department of transporta-  
2 tion for designated capital transportation projects.

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

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S-5792

1 Amend Senate File 1332, page 2, line 18, by  
2 inserting after the word "Act" the words ", except  
3 funds appropriated for railroad assistance under  
4 section one (1), subsection two (2) of this Act,".

S-5792 FILED & ADOPTED (1971)  
MAY 13, 1976

BY EUGENE M. HILL

S-5794

1 Amend Senate File 1332 as follows:  
2 1. Page 1, line 21, by striking the word  
3 "interstate".  
4 2. Page 1, line 24, by striking the word  
5 "interstate".

S-5794 FILED & LOST (1970)  
MAY 13, 1976

BY MINNETTE DODERER  
JAMES E. BRILES

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1 Section 1. There is appropriated from the general fund  
2 of the state for the fiscal period beginning July 1, 1976  
3 to the department of transportation the following amounts  
4 to be used in the manner designated.

5 1. For public transit purposes to  
6 implement a state assistance plan ..... \$ 1,500,000

7 2. For railroad assistance for  
8 branchline improvement ..... \$ 3,000,000

9 3. For miscellaneous purposes to  
10 be determined by the state transpor-  
11 tation commission ..... \$ 155,000

12 Sec. 2. There is appropriated from the general fund of  
13 the state for the fiscal period beginning July 1, 1976 the  
14 sum of twenty million (20,000,000) dollars, or so much thereof  
15 as is necessary, to be deposited in the road use tax fund.

16 Sec. 3. There is appropriated from the general fund of  
17 the state for the fiscal period beginning July 1, 1976 the  
18 sum of five million (5,000,000) dollars which sum shall be  
19 deposited by the treasurer of state in an interest bearing  
20 account and the funds and interest earned thereon shall be  
21 held for the construction of interstate bridges. This account  
22 shall be available to the department of transportation to  
23 combine with other federal, state, local, or adjacent state  
24 resources to design and construct new interstate bridges at  
25 locations and in the priority order to be established by the  
26 department. Any portion of this account remaining unused  
27 on June 30, 1980 shall revert to the general fund of the state  
28 as provided in this Act.

29 Sec. 4. Acts of the Sixty-sixth General Assembly, 1975  
30 Session, chapter thirty-six (36), section three (3), is amended  
31 to read as follows:

32 SEC. 3. Unobligated or unencumbered funds remaining with  
33 the department of transportation as of June 30, 1975 from  
34 funds appropriated by sections one (1) and two (2) of this  
35 Act shall revert to the general fund of the state.

1 Funds shall be repaid to the department of transportation  
2 from loans to counties under section two (2) of this Act  
3 between the period commencing July 1, 1976 and ending December  
4 30, 1976 and shall ~~revert to the general fund of the state~~  
5 be remitted to the treasurer of state upon receipt by the  
6 department of transportation.

7 The treasurer of state shall reallocate the funds repaid  
8 under this section to the various counties of the state based  
9 upon the same ratio that funds are allocated to counties under  
10 subsection one (1) of section three hundred twelve point three  
11 (312.3) of the Code. Such funds shall be used for county  
12 bridge construction and repair.

13 Sec. 5. All federal grants to and the federal receipts  
14 of the department of transportation for projects provided  
15 for in this Act are appropriated for the purposes set forth  
16 in such federal grants or receipts.

17 Sec. 6. Unencumbered or unobligated funds appropriated  
18 by this Act remaining on June 30, 1980 shall revert to the  
19 general fund of the state on September 30, 1980.

20 EXPLANATION

21 This bill provides funds for a number of capital  
22 improvements relating to transportation.

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LSB 4331S  
sg/jw/5

S-5781

1 Amend Senate File 1332 as follows:  
2 1. Page 1, line 8, by striking the figure  
3 "3,000,000" and inserting in lieu thereof the figure  
4 "2,800,000".  
5 2. Page 1, by inserting after line 8 the fol-  
6 lowing new subsection:  
7 "\_\_\_\_\_. For terminal car  
8 control analysis ..... \$200,000"  
9 3. Renumber subsections and correct internal  
10 references as may be necessary in accordance with  
11 this amendment.

S-5781 FILED & ADOPTED (1969) BY BERL E. PRIEBE  
MAY 13, 1976 CLIFTON C. LAMBORN.

S-5786

1 Amend Senate File 1332, Page 1, line 6, by striking  
2 the figure "\$1,500,000" and inserting in lieu thereof  
3 the figure "\$1,000,000".

S-5786 FILED & WITHDRAWN (1969) BY CLIFTON C. LAMBORN  
MAY 13, 1976 RICHARD J. NORPEL, SR.

S-5791

1 Amend Senate File 1332 as follows:  
2 1. Page 1, by inserting after line 28 the following  
3 new section:  
4 "Sec. \_\_\_\_\_. There is appropriated from the general  
5 fund of the state for the fiscal year beginning July  
6 1, 1976 the sum of five million (5,000,000) dollars  
7 to be allocated by the treasurer of state to the  
8 various counties of the state based upon the same  
9 ratio that funds are allocated to counties under  
10 subsection one (1) of section three hundred twelve  
11 point three (312.3) of the Code. Such funds shall  
12 be used for county bridge construction and repair."  
13 2. Renumber sections and correct internal  
14 references as are necessary in accordance with this  
15 amendment.

S-5791 FILED & ADOPTED (1971) BY NORMAN G. RODGERS  
MAY 13, 1976 RICHARD R. RAMSEY

S-5793

Amend Senate File 1332 as follows:  
1. Page 1, by striking lines 16 through 28.  
2. By renumbering sections as necessary.

S-5793 FILED & LOST (1970) BY JOHN S. MURRAY  
MAY 13, 1976

S-5798

1 Amend Senate File 1332 as follows:  
2 1. Page 1, line 15, by inserting after the  
3 word "fund." the words "None of the funds appropriated  
4 by this section shall be used for the construction  
5 of diagonal highways in excess of five miles in length."

S-5798 FILED & ADOPTED (p. 1972) BY JAMES GALLAGHER  
MAY 13, 1976



1 Section 1. There is appropriated from the general fund  
2 of the state for the fiscal period beginning July 1, 1976  
3 to the department of transportation the following amounts  
4 to be used in the manner designated.

5 1. For public transit purposes to  
6 implement a state assistance plan ..... \$ 1,500,000

7 2. For railroad assistance for  
8 branchline improvement ..... \$ 2,800,000

9 3. For terminal car  
10 control analysis ..... \$ 200,000

11 4. For miscellaneous purposes to  
12 be determined by the state transpor-  
13 tation commission ..... \$ 155,000

14 Sec. 2. There is appropriated from the general fund of  
15 the state for the fiscal period beginning July 1, 1976 the  
16 sum of twenty million (20,000,000) dollars, or so much thereof  
17 as is necessary, to be deposited in the road use tax fund.  
18 None of the funds appropriated by this section shall be used  
19 for the construction of diagonal highways in excess of five  
20 miles in length.

21 Sec. 3. There is appropriated from the general fund of  
22 the state for the fiscal period beginning July 1, 1976 the  
23 sum of five million (5,000,000) dollars which sum shall be  
24 deposited by the treasurer of state in an interest bearing  
25 account and the funds and interest earned thereon shall be  
26 held for the construction of interstate bridges. This account  
27 shall be available to the department of transportation to  
28 combine with other federal, state, local, or adjacent state  
29 resources to design and construct new interstate bridges at  
30 locations and in the priority order to be established by the  
31 department. Any portion of this account remaining unused  
32 on June 30, 1980 shall revert to the general fund of the state  
33 as provided in this Act.

34 Sec. 4. There is appropriated from the general fund of  
35 the state for the fiscal year beginning July 1, 1976 the sum



1        This bill provides funds for a number of capital  
2 improvements relating to transportation.

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SF 1332  
sg/slc/83  
LSB 4331S/5

HOUSE AMENDMENT TO SENATE FILE 1332

S-5908

1 Amend Senate File 1332 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 Section 1. There is appropriated from the general  
6 fund of the state for the fiscal period beginning  
7 July 1, 1976 to the department of transportation the  
8 following amounts to be used in the manner designated.

9 1. For public transit purposes to  
10 implement a state assistance plan .....\$2,000,000

11 2. For railroad assistance in-  
12 cluding but not limited to branch-  
13 line improvement, terminal car  
14 control analysis, rail inspections,  
15 and special hearings .....\$3,000,000

16 Sec. 2. There is appropriated from the general  
17 fund of the state for the fiscal period beginning July 1,  
18 1976 the sum of twelve million (12,000,000) dollars,  
19 or so much thereof as is necessary, to be deposited  
20 in the road use tax fund.

21 Sec. 3. Unencumbered or unobligated funds appro-  
22 priated by this Act, except funds appropriated for  
23 railroad assistance and for deposit in the road use  
24 tax fund remaining on June 30, 1980 shall revert to  
25 the general fund of the state on September 30, 1980.

26 Sec. 4. Chapter four hundred eighty-three (483),  
27 Code 1975, is amended by striking the chapter.

28 Sec. 5. NEW SECTION. As used in this chapter,  
29 unless the context otherwise requires:

30 1. "District" means a railroad district established  
31 under the provisions of this chapter.

32 2. "Department" means the state department of  
33 transportation.

34 3. "Board" means the transportation regulation  
35 board.

36 4. "Railroad corporation" means any corporation  
37 organized under the laws of this state or any other  
38 state for the purpose of operating a railroad within  
39 this state.

40 5. "Control county" means the county designated  
41 by the department to administer the election procedures  
42 and hold hearings within a railroad district or a  
43 proposed railroad district.

44 6. "Railroad" means roadbeds, track, track  
45 structure, and other appurtenances of railroad right-  
46 of-way of railroad branch lines.

47 Sec. 6. NEW SECTION. It is declared to be the  
48 policy of the state of Iowa and the objective of this  
49 chapter to allow citizens to act in the public interest  
50 to form a railroad district for the restoration,

1 conservation, purchase or improvement of a railroad.  
2 The establishment of such a district is in all respects  
3 for the benefit of the people of the state of Iowa  
4 for the improvement and promotion of the economy,  
5 which is a public purpose. The funds for the  
6 restoration, conservation, purchase, or improvement  
7 shall be derived from a vote of the qualified electors  
8 of the district for a tax not to exceed eighty-one  
9 cents per thousand dollars of assessed value. The  
10 number of years in which it shall be levied and paid  
11 shall not exceed twenty years. All of the purposes  
12 stated in this chapter are public purposes and uses  
13 for which public moneys may be borrowed, expended,  
14 advanced, loaned or granted.

15 Sec. 7. NEW SECTION. The department may develop  
16 a proposed railroad district and a preliminary  
17 recommendation concerning the desirability and  
18 necessity of the creation of such a district within  
19 thirty days of the receipt of a petition signed by  
20 at least ten eligible electors of the area to be  
21 included in the district. The petition shall describe  
22 the territory proposed to be organized as a district  
23 which description shall not be required to be given  
24 by metes and bounds or by legal subdivisions, but  
25 shall be deemed sufficient if generally accurate.  
26 The department shall determine the control county  
27 for the district.

28 Sec. 8. NEW SECTION. The board of supervisors  
29 of the control county shall publish notice of the  
30 proposed hearing upon the question of desirability  
31 and necessity of the creation of a railroad district  
32 within thirty days of receipt of the proposed plan  
33 from the department. The notice shall be published  
34 once in an official newspaper of each county with  
35 territory in the proposed district at least five days  
36 prior to the date of hearing. All eligible electors  
37 of the proposed district and all other interested  
38 parties shall have the right to attend such hearing  
39 and to be heard. In addition to the presentation  
40 of proposed boundaries of the district the department  
41 shall discuss the desirability and necessity of the  
42 proposed district. If it appears at the hearing that  
43 it is desirable to include within the proposed district  
44 territory outside the area within which due notice  
45 of the hearing has been given, the hearing shall be  
46 adjourned and due notice of further hearing shall  
47 be given through the entire area considered for  
48 inclusion in the district and such further hearing  
49 held.

50 Sec. 9. NEW SECTION. Following the hearing, the

1 department shall file a recommendation with the control  
2 county concerning the creation of the railroad  
3 district. If the recommendation is for the creation  
4 of the district, a referendum shall be held in the  
5 proposed railroad district within sixty days of the  
6 recommendation. If the recommendation is to revise  
7 the plan, a revised plan shall be submitted to the  
8 control county board of supervisors by the department  
9 within sixty days of the recommendation and a  
10 referendum shall be held within sixty days of the  
11 receipt of this revised plan. A recommendation to  
12 not create the district may be overturned by a petition  
13 of fifty or more eligible electors of the proposed  
14 railroad district. In such case the proposal to  
15 create the district shall be submitted to the voters  
16 at a referendum to be held within sixty days of the  
17 date the petition was received.

18 Sec. 10. NEW SECTION. The board of supervisors  
19 of the control county shall hold a referendum within  
20 the proposed railroad district upon the question of  
21 the creation of the district and at the same time,  
22 hold an election to elect the first trustees of the  
23 district. Notice of the referendum and election shall  
24 be given in the manner provided under section forty-  
25 nine point fifty-three (49.53) of the Code.

26 Sec. 11. NEW SECTION. Petitions nominating can-  
27 didates for trustees shall be filed with the control  
28 county commissioner of elections at least thirty days  
29 prior to the election and shall be made according  
30 to section forty-five point three (45.3) of the Code.  
31 An eligible elector of the district may not sign more  
32 than three such petitions.

33 Sec. 12. NEW SECTION. Trustees shall be elected  
34 for six-year terms. However, at the first election,  
35 the trustee receiving the highest number of votes  
36 shall serve a term of six years, the trustee receiv-  
37 ing the second highest number of votes shall serve  
38 a term of four years and the trustee receiving the  
39 third highest number of votes shall serve a term of  
40 two years. The term of office for trustees shall  
41 commence upon receipt of the certificate of election.  
42 A bond shall not be required of railroad district  
43 trustees. Vacancies shall be filled by appointment  
44 by the trustees until the vacancy can be filled pur-  
45 suant to section sixty-nine point twelve (69.12) of  
46 the Code.

47 Sec. 13. NEW SECTION. Two ballots, one contain-  
48 ing the public question "Shall a railroad district  
49 described as follows be created" and the other, the  
50 candidates for trustees, shall be submitted upon re-

1 quest to each qualified elector of the district.  
2 The control county commissioner of elections shall  
3 cause the ballots to be printed.

4     Sec. 14. NEW SECTION. The polling places for  
5 all elections for railroad districts shall be desig-  
6 nated by county commissioner of elections and may  
7 be the office of the county commissioner of elections  
8 in each county in which any territory of the district  
9 lies. Subsequent elections for railroad district  
10 trustees shall be held biennially as close to the  
11 anniversary of the original election as possible and  
12 pursuant to the provisions of section thirty-nine  
13 point two (39.2) of the Code.

14     Sec. 15. NEW SECTION. The vote of any elections  
15 held for a railroad district shall be canvassed on  
16 Monday following the election if the district lies  
17 wholly within one county. If the district lies with-  
18 in more than one county the noncontrol counties shall  
19 canvass the vote on the second day following the elec-  
20 tion and certify the result to the control county  
21 by noon on the Monday following the election. If  
22 a majority of the votes cast on the question "Shall  
23 a railroad district be created?" do not favor creation  
24 of the district, the vote to elect trustees shall  
25 be void.

26     Sec. 16. NEW SECTION. The trustees of a rail-  
27 road district shall have all powers listed in sections  
28 seventeen (17) through nineteen (19) of this Act and  
29 may receive and accept gifts, grants, loans, or other  
30 aid from any public or private entities.

31     Sec. 17. NEW SECTION. The trustees may on their  
32 own initiative or upon receipt of a petition from  
33 ten eligible electors of the district request the  
34 control county commissioner of elections to call a  
35 referendum on either of the following public questions:

36     1. Shall a tax of not to exceed \_\_\_\_\_  
37 be levied against the value of the real property with-  
38 in the district?

39     2. Shall the trustees of the district be authorized  
40 to issue bonds in the amount of \_\_\_\_\_  
41 and levy a tax for the retirement of the bonds and  
42 interest thereon?

43     If a majority of the votes cast are in favor of  
44 question one or sixty percent of the votes cast are  
45 in favor of question two, the tax shall be levied  
46 by the board of supervisors and collected at the same  
47 time and in the same manner as other property taxes.  
48 This tax shall not be levied more than once, unless  
49 a written agreement pursuant to section eighteen (18)  
50 of this Act has been made. The referendum shall state

1 the purposes for which it is proposed to vote the  
2 taxes, the maximum rate of tax proposed, the number  
3 of years not exceeding twenty in which it shall be  
4 levied and paid in equal installments, and the location  
5 of the railroad for which it is proposed to improve,  
6 restore, purchase, or conserve.

7 Sec. 18. NEW SECTION. Prior to expenditure of  
8 any funds derived from section six (6) of this Act,  
9 the trustees shall enter into a written agreement  
10 with the department and railroad corporation for the  
11 purpose specified in the referendum according to the  
12 provisions of section seventeen (17) of this Act.

13 Sec. 19. NEW SECTION. All moneys collected un-  
14 der this chapter shall be placed in the Iowa railroad  
15 assistance fund. Not later than December 15 or June  
16 15 of each year in which the tax is collected, the  
17 county auditor shall transmit the amount of tax levied  
18 and collected, by warrant, to the treasurer of state  
19 who shall credit it to the railroad assistance fund.  
20 Moneys levied and collected for the purpose of retiring  
21 general obligation bonds and paying interest on such  
22 bonds shall be held as a sinking fund in the railroad  
23 assistance fund and disbursed by the trustees for  
24 retirement and interest payment of these bonds.  
25 Pursuant to the agreement as specified in section  
26 eighteen (18) of this Act, the trustees shall submit  
27 a certified claim to the state comptroller directing  
28 that a warrant be issued against the railroad  
29 assistance fund. Funds transmitted to the Iowa  
30 railroad assistance fund under the provisions of this  
31 section shall be used for the purposes provided for  
32 in chapter four hundred eighty-three (483) of the  
33 Code.

34 Sec. 20. NEW SECTION. A railroad district shall  
35 be dissolved twenty years after its creation if all  
36 bonds have been retired and all obligations fulfilled,  
37 unless a petition by ten eligible electors objecting  
38 to the dissolution is filed with the trustees. The  
39 trustees shall notify the department and the control  
40 county board of supervisors of this petition. The  
41 control county board of supervisors shall hold a hear-  
42 ing on the proposed dissolution of the railroad dis-  
43 trict and cause a notice of such hearing to be pub-  
44 lished according to section eight (8) of this Act.  
45 At the hearing the department shall present a  
46 recommendation on the desirability of dissolution  
47 of the railroad district and such recommendation shall  
48 be accepted unless a written objection is given to  
49 the board within ten days of the hearing. Upon receipt  
50 of such objection the board shall make final deter-

1 mination if the district shall be dissolved or re-  
2 tained.

3 Sec. 21. NEW SECTION. Should the taxes voted  
4 for the railroad district under the provisions of  
5 this chapter remain in the railroad assistance fund  
6 for more than one year after the terms of the agreement  
7 have expired, the right to the undistributed  
8 unencumbered taxes and the money shall revert to the  
9 general fund of the county from which it was originally  
10 collected in proportion to the taxes levied and  
11 collected for this fund in the most recent collection  
12 year.

13 Sec. 22. NEW SECTION. The provisions of chapters  
14 thirty-nine (39) through fifty-three (53) of the Code  
15 shall apply to the conduct of elections held for the  
16 railroad district, except as otherwise specifically  
17 provided in this chapter.

18 Sec. 23. If any part or provision of this Act  
19 or the application thereof to any person or  
20 circumstances is held to be invalid or unenforce-  
21 able, such invalidity or unenforceability shall not  
22 affect any other parts or provisions or applications  
23 of the Act which can be given effect without the in-  
24 valid or unenforceable parts or provisions or applica-  
25 tion, and to this end the parts and provisions of  
26 this Act are declared to be severable."

27 2. Amend the title by striking lines 1 and 2 and  
28 inserting in lieu thereof the following:

29 "An Act relating to transportation, by creating  
30 rail districts, providing a tax, and providing for  
31 an appropriation to the department of transportation."

S-5908 FILED  
MAY 24, 1976

RECEIVED FROM THE HOUSE

*Senate refused to concur 5/25 (2236)*  
*House limited 5/25 (3124)*

1 Amend the Committee on Appropriations amendment,  
2 H-6782, to Senate File 1332 as amended, passed and  
3 reprinted by the Senate as follows:

4 1. Page 1, line 3, by inserting before the word  
5 "By" the figure "1."

6 2. Page 1, by striking line 25 and inserting in  
7 lieu thereof the following: "the general fund of  
8 the state on September 30, 1980."

9 Sec. 4. Chapter four hundred eighty-three (483),  
10 Code 1975, is amended by striking the chapter.

11 3. Page 1, by inserting after line 25 the following  
12 new sections:

13 Sec. 5. NEW SECTION. As used in this chapter,  
14 unless the context otherwise requires:

15 1. "District" means a railroad district established  
16 under the provisions of this chapter.

17 2. "Department" means the state department of  
18 transportation.

19 3. "Board" means the transportation regulation  
20 board.

21 4. "Railroad corporation" means any corporation  
22 organized under the laws of this state or any other  
23 state for the purpose of operating a railroad within  
24 this state.

25 5. "Control county" means the county designated  
26 by the department to administer the election procedures  
27 and hold hearings within a railroad district or a  
28 proposed railroad district.

29 6. "Railroad" means roadbeds, track, track  
30 structure, and other appurtenances of railroad right-  
31 of-way of railroad branch lines.

32 Sec. 6. NEW SECTION. It is declared to be the  
33 policy of the state of Iowa and the objective of this  
34 chapter to allow citizens to act in the public interest  
35 to form a railroad district for the restoration,  
36 conservation, purchase or improvement of a railroad.  
37 The establishment of such a district is in all respects  
38 for the benefit of the people of the state of Iowa  
39 for the improvement and promotion of the economy,  
40 which is a public purpose. The funds for the  
41 restoration, conservation, purchase, or improvement  
42 shall be derived from a vote of the qualified electors  
43 of the district for a tax not to exceed eighty-one  
44 cents per thousand dollars of assessed value. The  
45 number of years in which it shall be levied and paid  
46 shall not exceed twenty years. All of the purposes  
47 stated in this chapter are public purposes and uses  
48 for which public moneys may be borrowed, expended,  
49 advanced, loaned or granted.

50 Sec. 7. NEW SECTION. The department may develop

1 a proposed railroad district and a preliminary  
2 recommendation concerning the desirability and  
3 necessity of the creation of such a district within  
4 thirty days of the receipt of a petition signed by  
5 at least ten eligible electors of the area to be  
6 included in the district. The petition shall describe  
7 the territory proposed to be organized as a district  
8 which description shall not be required to be given  
9 by metes and bounds or by legal subdivisions, but  
10 shall be deemed sufficient if generally accurate.  
11 The department shall determine the control county  
12 for the district.

13 Sec. 8. NEW SECTION. The board of supervisors  
14 of the control county shall publish notice of the  
15 proposed hearing upon the question of desirability  
16 and necessity of the creation of a railroad district  
17 within thirty days of receipt of the proposed plan  
18 from the department. The notice shall be published  
19 once in an official newspaper of each county with  
20 territory in the proposed district at least five days  
21 prior to the date of hearing. All eligible electors  
22 of the proposed district and all other interested  
23 parties shall have the right to attend such hearing  
24 and to be heard. In addition to the presentation  
25 of proposed boundaries of the district the department  
26 shall discuss the desirability and necessity of the  
27 proposed district. If it appears at the hearing that  
28 it is desirable to include within the proposed district  
29 territory outside the area within which due notice  
30 of the hearing has been given, the hearing shall be  
31 adjourned and due notice of further hearing shall  
32 be given through the entire area considered for  
33 inclusion in the district and such further hearing  
34 held.

35 Sec. 9. NEW SECTION. Following the hearing, the  
36 department shall file a recommendation with the control  
37 county concerning the creation of the railroad  
38 district. If the recommendation is for the creation  
39 of the district, a referendum shall be held in the  
40 proposed railroad district within sixty days of the  
41 recommendation. If the recommendation is to revise  
42 the plan, a revised plan shall be submitted to the  
43 control county board of supervisors by the department  
44 within sixty days of the recommendation and a  
45 referendum shall be held within sixty days of the  
46 receipt of this revised plan. A recommendation to  
47 not create the district may be overturned by a petition  
48 of fifty or more eligible electors of the proposed  
49 railroad district. In such case the proposal to  
50 create the district shall be submitted to the voters

1 at a referendum to be held within sixty days of the  
2 date the petition was received.

3 Sec. 10. NEW SECTION. The board of supervisors  
4 of the control county shall hold a referendum within  
5 the proposed railroad district upon the question of  
6 the creation of the district and at the same time,  
7 hold an election to elect the first trustees of the  
8 district. Notice of the referendum and election shall  
9 be given in the manner provided under section forty-  
10 nine point fifty-three (49.53) of the Code.

11 Sec. 11. NEW SECTION. Petitions nominating can-  
12 didates for trustees shall be filed with the control  
13 county commissioner of elections at least thirty days  
14 prior to the election and shall be made according  
15 to section forty-five point three (45.3) of the Code.  
16 An eligible elector of the district may not sign more  
17 than three such petitions.

18 Sec. 12. NEW SECTION. Trustees shall be elected  
19 for six-year terms. However, at the first election,  
20 the trustee receiving the highest number of votes  
21 shall serve a term of six years, the trustee receiv-  
22 ing the second highest number of votes shall serve  
23 a term of four years and the trustee receiving the  
24 third highest number of votes shall serve a term of  
25 two years. The term of office for trustees shall  
26 commence upon receipt of the certificate of election.  
27 A bond shall not be required of railroad district  
28 trustees. Vacancies shall be filled by appointment  
29 by the trustees until the vacancy can be filled pur-  
30 suant to section sixty-nine point twelve (69.12) of  
31 the Code.

32 Sec. 13. NEW SECTION. Two ballots, one contain-  
33 ing the public question "Shall a railroad district  
34 described as follows be created" and the other, the  
35 candidates for trustees, shall be submitted upon re-  
36 quest to each qualified elector of the district.  
37 The control county commissioner of elections shall  
38 cause the ballots to be printed.

39 Sec. 14. NEW SECTION. The polling places for  
40 all elections for railroad districts shall be desig-  
41 nated by county commissioner of elections and may  
42 be the office of the county commissioner of elections  
43 in each county in which any territory of the district  
44 lies. Subsequent elections for railroad district  
45 trustees shall be held biennially as close to the  
46 anniversary of the original election as possible and  
47 pursuant to the provisions of section thirty-nine  
48 point two (39.2) of the Code.

49 Sec. 15. NEW SECTION. The vote of any elections  
50 held for a railroad district shall be canvassed on

1 Monday following the election if the district lies  
2 wholly within one county. If the district lies with-  
3 in more than one county the noncontrol counties shall  
4 canvass the vote on the second day following the elec-  
5 tion and certify the result to the control county  
6 by noon on the Monday following the election. If  
7 a majority of the votes cast on the question "Shall  
8 a railroad district be created?" do not favor creation  
9 of the district, the vote to elect trustees shall  
10 be void.

11 Sec. 16. NEW SECTION. The trustees of a rail-  
12 road district shall have all powers listed in sections  
13 seventeen (17) through nineteen (19) of this Act and  
14 may receive and accept gifts, grants, loans, or other  
15 aid from any public or private entities.

16 Sec. 17. NEW SECTION. The trustees may on their  
17 own initiative or upon receipt of a petition from  
18 ten eligible electors of the district request the  
19 control county commissioner of elections to call a  
20 referendum on either of the following public questions:

21 1. Shall a tax of not to exceed \_\_\_\_\_  
22 be levied against the value of the real property with-  
23 in the district?

24 2. Shall the trustees of the district be authorized  
25 to issue bonds in the amount of \_\_\_\_\_  
26 and levy a tax for the retirement of the bonds and  
27 interest thereon?

28 If a majority of the votes cast are in favor of  
29 question one or sixty percent of the votes cast are  
30 in favor of question two, the tax shall be levied  
31 by the board of supervisors and collected at the same  
32 time and in the same manner as other property taxes.  
33 This tax shall not be levied more than once, unless  
34 a written agreement pursuant to section eighteen (18)  
35 of this Act has been made. The referendum shall state  
36 the purposes for which it is proposed to vote the  
37 taxes, the maximum rate of tax proposed, the number  
38 of years not exceeding twenty in which it shall be  
39 levied and paid in equal installments, and the location  
40 of the railroad for which it is proposed to improve,  
41 restore, purchase, or conserve.

42 Sec. 18. NEW SECTION. Prior to expenditure of  
43 any funds derived from section six (6) of this Act,  
44 the trustees shall enter into a written agreement  
45 with the department and railroad corporation for the  
46 purpose specified in the referendum according to the  
47 provisions of section sixteen (16) of this Act.

48 Sec. 19. NEW SECTION. All moneys collected un-  
49 der this chapter shall be placed in the Iowa railroad  
50 assistance fund. Not later than December 15 or June

1 15 of each year in which the tax is collected, the  
2 county auditor shall transmit the amount of tax levied  
3 and collected, by warrant, to the treasurer of state  
4 who shall credit it to the railroad assistance fund.  
5 Moneys levied and collected for the purpose of retiring  
6 general obligation bonds and paying interest on such  
7 bonds shall be held as a sinking fund in the railroad  
8 assistance fund and disbursed by the trustees for  
9 retirement and interest payment of these bonds.  
10 Pursuant to the agreement as specified in section  
11 eighteen (18) of this Act, the trustees shall submit  
12 a certified claim to the state comptroller directing  
13 that a warrant be issued against the railroad  
14 assistance fund. Funds transmitted to the Iowa  
15 railroad assistance fund under the provisions of this  
16 section shall be used for the purposes provided for  
17 in chapter four hundred eighty-three (483) of the  
18 Code.

19 Sec. 20. NEW SECTION. A railroad district shall  
20 be dissolved twenty years after its creation if all  
21 bonds have been retired and all obligations fulfilled,  
22 unless a petition by ten eligible electors objecting  
23 to the dissolution is filed with the trustees. The  
24 trustees shall notify the department and the control  
25 county board of supervisors of this petition. The  
26 control county board of supervisors shall hold a hear-  
27 ing on the proposed dissolution of the railroad dis-  
28 trict and cause a notice of such hearing to be pub-  
29 lished according to section eight (8) of this Act.  
30 At the hearing the department shall present a  
31 recommendation on the desirability of dissolution  
32 of the railroad district and such recommendation shall  
33 be accepted unless a written objection is given to  
34 the board within ten days of the hearing. Upon receipt  
35 of such objection the board shall make final deter-  
36 mination if the district shall be dissolved or re-  
37 tained.

38 Sec. 21. NEW SECTION. Should the taxes voted  
39 for the railroad district under the provisions of  
40 this chapter remain in the railroad assistance fund  
41 for more than one year after the terms of the agreement  
42 have expired, the right to the undistributed  
43 unencumbered taxes and the money shall revert to the  
44 general fund of the county from which it was originally  
45 collected in proportion to the taxes levied and  
46 collected for this fund in the most recent collection  
47 year.

48 Sec. 22. NEW SECTION. The provisions of chapters  
49 thirty-nine (39) through fifty-three (53) of the Code  
50 shall apply to the conduct of elections held for the

1 railroad district, except as otherwise specifically  
 2 provided in this chapter.  
 3 Sec. 23. If any part or provision of this Act  
 4 or the application thereof to any person or  
 5 circumstances is held to be invalid or unenforce-  
 6 able, such invalidity or unenforceability shall not  
 7 affect any other parts or provisions or applications  
 8 of the Act which can be given effect without the in-  
 9 valid or unenforceable parts or provisions or applica-  
 10 tion, and to this end the parts and provisions of  
 11 this Act are declared to be severable."  
 12 3. Page 1, by inserting after line 25 the  
 13 following:  
 14 "\_\_\_\_. Amend the title by striking lines 1 and  
 15 2 and inserting in lieu thereof the following:  
 16 "An Act relating to transportation, by creating  
 17 rail districts, providing a tax, and providing for  
 18 an appropriation to the department of transportation.""

H-6795 FILED, ADOPTED (2996) BY KRAUSE of Palo Alto  
 MAY 20, 1976 DRAKE of Muscatine

SENATE FILE 1332

H-6877

1 Amend Senate File 1332 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section three hundred fourteen point  
 5 twelve (314.12), Code 1975, is amended to read as  
 6 follows:  
 7 314.12 BORROW PITS--TOPSOIL PRESERVED. In the  
 8 award of contracts for the construction,  
 9 reconstruction, improvement, repair or maintenance  
 10 of any highway, the agency having charge of awarding  
 11 such contracts shall require that when fill dirt,  
 12 soil or other materials are to be removed from borrow  
 13 pits for use in the project, adequate provision shall  
 14 be made by agreement with the landowner for the  
 15 restoration of the borrow pit area--~~either~~ by removal  
 16 and replacement of a minimum of eight inches of  
 17 topsoil, ~~or by~~ however, if the land is not primarily  
 18 used for agricultural purposes the agreement may  
 19 provide for the fertilizing, mulching, reseeding or  
 20 other appropriate measures to provide vegetative cover  
 21 or prevent erosion in lieu of topsoil replacement."

H-6877 FILED BY HOWELL of Floyd

H-6732

1 Amend Senate File 1332 as passed and re-  
 2 printed by the Senate as follows:  
 3 1. Page 1, by striking lines 18 through  
 4 20.

H-6732 FILED - *Out of order* BY WULFF of Black Hawk  
 MAY 18, 1976 *with adoption*  
*of 6782 5/21*

SENATE FILE 1332

H-6782

1 Amend Senate File 1332 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 By striking everything after the enacting clause  
 4 and inserting in lieu thereof the following:  
 5 "Section 1. There is appropriated from the gen-  
 6 eral fund of the state for the fiscal period beginning  
 7 July 1, 1976 to the department of transportation the  
 8 following amounts to be used in the manner designated.  
 9 1. For public transit purposes to  
 10 implement a state assistance plan ..... \$2,000,000  
 11 2. For railroad assistance in-  
 12 cluding but not limited to branch-  
 13 line improvement, terminal car  
 14 control analysis, rail inspections,  
 15 and special hearings ..... \$3,000,000  
 16 Sec. 2. There is appropriated from the general  
 17 fund of the state for the fiscal period beginning  
 18 July 1, 1976 the sum of twelve million (12,000,000)  
 19 dollars, or so much thereof as is necessary, to be  
 20 deposited in the road use tax fund.  
 21 Sec. 3. Unencumbered or unobligated funds appro-  
 22 priated by this Act, except funds appropriated for  
 23 railroad assistance and for deposit in the road use  
 24 tax fund remaining on June 30, 1980 shall revert to  
 25 the general fund of the state on September 30, 1980."

H-6782 FILED - *Adopted as amended* BY COMMITTEE ON APPROPRIATIONS  
 MAY 20, 1976 *by 6796 5/21 (2996)* DUNTON of Keokuk, Chair

H-6783

1 Amend Senate File 1332, as passed by the  
 2 Senate and reprinted, as follows:  
 3 1. Page 1, line 16, by striking the words  
 4 and figures "twenty million (20,000,000)" and  
 5 inserting in lieu thereof the words and figures  
 6 "thirty million (30,000,000)".  
 7 2. Page 2, line 1, by striking the words  
 8 and figures "five million (5,000,000)" and  
 9 inserting in lieu thereof the words and figures  
 10 "fifteen million (15,000,000)".

H-6783 FILED - *Out of order* BY HULLINGER of Decatur  
 MAY 20, 1976 *with adoption* SCHEELHAASE of Woodbury  
*of 6782 5/21* WYCKOFF of Benton  
 MILLER of Buchanan  
 KOGLER of Mahaska  
 MIDDLESWART of Warren  
 MILLER of Cerro Gordo  
 HINKHOUSE of Cedar

REPORT OF THE CONFERENCE COMMITTEE ON  
SENATE FILE 1332

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
HOUSE OF REPRESENTATIVES:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1332, a bill for an Act making appropriations to the department of transportation for capital projects, respectfully make the following report:

1. That the Senate and House of Representatives conferees have failed to reach an agreement.

ON THE PART OF THE SENATE:

WILLIAM D. PALMER, CHAIRPERSON  
IRVIN L. BERGMAN  
C. JOSEPH COLEMAN  
WILLARD R. HANSEN  
RICHARD J. NORPEL, SR.

ON THE PART OF THE HOUSE:

JOHN B. BRUNOW, CHAIRPERSON  
ROBERT A. KRAUSE  
KEITH H. DUNTON  
LESTER D. MENKE  
GLEN E. BORTELL

FILED  
MAY 25, 1976

REPORT OF THE SECOND CONFERENCE COMMITTEE

ON SENATE FILE 1332

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the differences between the Senate and House of Representatives on Senate File 1332, a bill for an Act making appropriations to the department of transportation for designated capital transportation projects, respectfully make the following report:

1. That the House recede from its amendment, S-5908, to Senate File 1332, as amended, passed, and reprinted by the Senate.

2. That Senate File 1332, as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, line 6, by striking the figure "1,500,000" and inserting in lieu thereof the figure "2,000,000".

2. Page 1, line 16, by striking the words and figure "twenty million (20,000,000)" and inserting in lieu thereof the words and figure "twelve million (12,000,000)".

3. Page 1, line 20, by inserting after the word "length" the words "unless the state department of

transportation is advised in writing by the federal highway administration that this policy will result in the loss of federal funds for any particular present or future highway construction project".

4. Page 1, line 23, by striking the words and figure "five million (5,000,000)" and inserting in lieu thereof the words and figure "four million (4,000,000)".

5. Page 1, by striking lines 34 and 35.

6. Page 2, by striking lines 1 through 6.

7. Renumber sections and correct internal references as may be necessary in accordance with this amendment.

ON THE PART OF THE SENATE:  
WILLIAM D. PALMER, CHAIRPERSON  
IRVIN L. BERGMAN  
RICHARD J. NORPEL, SR.

ON THE PART OF THE HOUSE  
JOHN B. BRUNOW, CHAIRPERSON  
ROBERT A. KRAUSE  
KEITH H. DUNTON  
LESTER D. MENKE  
GLEN E. BORTELL

FILED  
MAY 27, 1976

*Senate adopted 5/27/76 (p. 2346)  
House adopted 5/27/76 (p. 3264)*

SENATE FILE 1332

AN ACT

MAKING APPROPRIATIONS TO THE DEPARTMENT OF TRANSPORTATION FOR DESIGNATED CAPITAL TRANSPORTATION PROJECTS.

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

Section 1. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 to the department of transportation the following amounts to be used in the manner designated.

- 1. For public transit purposes to implement a state assistance plan ..... \$ 2,000,000
- 2. For railroad assistance for branchline improvement ..... \$ 2,800,000
- 3. For terminal car control analysis ..... \$ 200,000
- 4. For miscellaneous purposes to be determined by the state transportation commission ..... \$ 155,000

Sec. 2. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 the sum of twelve million (12,000,000) dollars, or so much thereof as is necessary, to be deposited in the road use tax fund. None of the funds appropriated by this section shall be used for the construction of diagonal highways in excess of five miles in length unless the state department of transportation is advised in writing by the federal highway administration that this policy will result in the loss of federal funds for any particular present or future highway construction project.

Sec. 3. There is appropriated from the general fund of the state for the fiscal period beginning July 1, 1976 the sum of four million (4,000,000) dollars which sum shall be

deposited by the treasurer of state in an interest bearing account and the funds and interest earned thereon shall be held for the construction of interstate bridges. This account shall be available to the department of transportation to combine with other federal, state, local, or adjacent state resources to design and construct new interstate bridges at locations and in the priority order to be established by the department. Any portion of this account remaining unused on June 30, 1980 shall revert to the general fund of the state as provided in this Act.

Sec. 4. Acts of the Sixty-sixth General Assembly, 1975 Session, chapter thirty-six (36), section three (3), is amended to read as follows:

SEC. 3. Unobligated or unencumbered funds remaining with the department of transportation as of June 30, 1975 from funds appropriated by sections one (1) and two (2) of this Act shall revert to the general fund of the state.

Funds shall be repaid to the department of transportation from loans to counties under section two (2) of this Act between the period commencing July 1, 1976 and ending December 30, 1976 and shall ~~revert to the general fund of the state~~ be remitted to the treasurer of state upon receipt by the department of transportation.

The treasurer of state shall reallocate the funds repaid under this section to the various counties of the state based upon the same ratio that funds are allocated to counties under subsection one (1) of section three hundred twelve point three (312.3) of the Code. Such funds shall be used for county bridge construction and repair.

Sec. 5. All federal grants to and the federal receipts of the department of transportation for projects provided for in this Act are appropriated for the purposes set forth in such federal grants or receipts.

Sec. 6. Unencumbered or unobligated funds appropriated by this Act, except funds appropriated for railroad assistance

under section one (1), subsection two (2) of this Act,  
remaining on June 30, 1980 shall revert to the general fund  
of the state on September 30, 1980.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 1332, Sixty-sixth General Assembly.

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STEVEN C. CROSS  
Secretary of the Senate

Approved June 18, 1976

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ROBERT D. RAY  
Governor