

Revised Senate Bill (S.B. 2254) (3/10/92)

Reprinted

FILED MAR 03 1992

SENATE FILE 2254

BY VARN

Passed Senate, Date 3/10/92 (p. 70) Passed House, Date 4/22/92 (p. 177)

Vote: Ayes 48 Nays 0 Vote: Ayes 92 Nays 1

Approved May 14, 1992

A BILL FOR

1 An Act relating to the creation of a combined water and sanitary
2 district and a department of public works, providing for a
3 governing board, and providing for other properly related
4 matters.

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

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SENATE FILE 2254

S-5167

- 1 Amend Senate File 2254 as follows:
- 2 1. Page 1, line 1, by striking the figure
- 3 "331.303" and inserting the following: "331.301".
- 4 2. Page 1, line 3, by striking the word and
- 5 figure "10A. Establish" and inserting the following:
- 6 "14. The county may establish".

By RICHARD J. VARN

S-5167 FILED MARCH 10, 1992

ADOPTED (p. 70)

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SF 2254

1 Section 1. Section 331.303, Code 1991, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 10A. Establish a department of public
4 works. The department shall be administered by the county
5 engineer or other person appointed by the board of
6 supervisors. In addition to other duties assigned by the
7 board, the department shall provide technical assistance to
8 political subdivisions in the county including special
9 districts relating to their physical infrastructure and may
10 provide managerial and administrative services for special
11 districts and combined special districts.

12 Sec. 2. Section 357.1, unnumbered paragraph 1, Code 1991,
13 is amended to read as follows:

14 The board of supervisors of any county shall, on the
15 petition of ~~twenty-five percent of the resident property~~
16 owners or more of the eligible electors residing in any
17 proposed benefited water district, grant a hearing relative to
18 the establishment of ~~such~~ the proposed water district; ~~such~~.
19 The petition shall set out the following and any other
20 pertinent facts:

21 Sec. 3. NEW SECTION. 357.1A COMBINED WATER AND SANITARY
22 DISTRICT.

23 1. Upon receipt of a petition having the required
24 signatories as provided in section 357.1 or 358.2, the board
25 of supervisors shall grant a hearing relative to the
26 establishment of a proposed combined water and sanitary
27 district. The petition shall include the information required
28 in sections 357.1 and 358.2 for proposed water districts and
29 sanitary districts. The board of supervisors of the county in
30 which the proposed combined district or largest part of the
31 proposed combined district is located, shall have jurisdiction
32 of the proceedings on the petition and the decision of a
33 majority of the members of that board of supervisors is
34 necessary for adoption. The orders of the board of
35 supervisors made pursuant to this chapter and chapter 358

1 relating to the proposed combined district shall be kept as
2 official records, but the records need not be published under
3 section 349.16. An existing district may petition the board
4 of supervisors to establish a combined water and sanitary
5 district after the approval of a majority of the district
6 electorate.

7 2. The board of supervisors having jurisdiction to
8 establish the proposed combined water and sanitary district
9 may proceed with its establishment under this chapter or
10 chapter 358 in the same manner as a benefited water district
11 or a sanitary district is separately established under those
12 chapters. The differences between this chapter and chapter
13 358 including, but not limited to, the membership of the board
14 of trustees, per diem, and maximum annual per diem, or a power
15 or duty relating to rents, fees, taxation, or bonded
16 indebtedness shall be resolved as a part of the petition
17 submitted to the board of supervisors. Before becoming
18 effective, a change in the membership, per diem, maximum
19 annual per diem, or a power or duty relating to rents, fees,
20 the levy of a tax, or the issuance of bonds, or other
21 differences specified on the petition shall be submitted for
22 the approval of the district electorate. However, the number
23 of members, per diem, maximum annual per diem, or differences
24 in powers and duties included in a combined district shall not
25 be inconsistent with this chapter or chapter 358.

26 3. For the purpose of establishing, operating, or
27 dissolving a combined water and sanitary district under this
28 chapter and chapter 358, the term "benefited water district"
29 includes combined water and sanitary district where
30 applicable.

31 Sec. 4. Section 357.2, Code 1991, is amended to read as
32 follows:

33 357.2 TERRITORY INCLUDED.

34 The benefited water district may include part or all of any
35 incorporated city or cities, together with or without

1 surrounding contiguous or noncontiguous territory including
2 cemeteries and all publicly owned land. Said The publicly
3 owned property shall pay and bear its proportionate share of
4 the cost and expense of said the water system upon the same
5 basis as privately owned property.

6 Sec. 5. Section 357.4, Code 1991, is amended to read as
7 follows:

8 357.4 PUBLIC HEARING.

9 When the board of supervisors receives a petition for the
10 establishment of a benefited water district, a public hearing
11 shall be held within twenty thirty days of the presentation of
12 the petition. Notice of such the hearing shall be given by
13 ~~posting-bills-in-three-public-places-within-the-district,-or~~
14 ~~by publication in-two-successive-issues-of-any-paper-of~~
15 ~~general-circulation-within-the-district.--The-last-publication~~
16 ~~or-posting-shall-be-not-less-than-one-week-before-the-proposed~~
17 hearing as provided in section 331.305.

18 Sec. 6. Section 357.12, Code 1991, is amended to read as
19 follows:

20 357.12 ELECTION.

21 When the preliminary design and assessment have been
22 approved by the board of supervisors, a date not more than
23 thirty days after such the approval shall be set for an
24 election within the district to determine whether or not the
25 proposed improvement shall be constructed and to choose
26 candidates for the offices of trustee within the district.
27 The proposal to approve or disapprove the improvement and the
28 selection of candidates for trustees shall be presented at the
29 same election. Notice of the election, including the time and
30 place of holding the same election, shall be given in the same
31 manner as for the public hearing heretofore provided for in
32 section 357.4. The vote shall be by ballot which shall state
33 clearly the proposition to be voted upon, and any qualified
34 elector residing within the district at the time of the
35 election ~~shall-be-entitled-to~~ may vote. ~~It-shall-not-be~~

~~1 mandatory-for-the~~ The county commissioner of elections to
2 shall conduct elections held pursuant to this chapter, but
3 they and the elections shall be conducted in accordance with
4 the-provisions-of chapter 49 where those procedures are not in
5 conflict with this chapter. Judges-will Precinct election
6 officials shall be appointed to serve without pay, by the
7 ~~board-of-supervisors~~ commissioner of elections, from among the
8 qualified electors of the district ~~who-will-have-charge-of-the~~
9 election. The proposition shall be deemed to have carried if
10 a majority of those voting ~~thereon-vote~~ on the proposition
11 votes in favor of the-same it.

12 Sec. 7. Section 357.13, Code Supplement 1991, is amended
13 to read as follows:

14 357.13 TRUSTEES -- QUALIFICATION AND TERMS.

15 1. At the initial election provided for in section 357.12,
16 the names of the trustees shall be written by the voter on
17 blank ballots without formal nomination and the board of
18 supervisors shall appoint three from among the five receiving
19 the highest number of votes as trustees for the district, one
20 to serve for one year, one for two years, and one for three
21 years; ~~which.~~ The trustees and their successors shall give
22 bond in the amount the board of supervisors may require, the
23 premium of which shall be paid by the district which the
24 trustees represent. Vacancies during a term may thereafter be
25 filled by election, or by appointment by the board of
26 supervisors, at the option of the remaining trustees. The
27 trustees must be residents of the district. The term of
28 succeeding trustees shall be for three years.

29 2. After the initial board of trustees is selected, a
30 candidate for trustee shall be nominated by a personal
31 affidavit of the candidate or by petition of at least ten
32 eligible electors of the district and the candidate's
33 affidavit, which shall be filed with the county commissioner
34 of elections at least twenty-five days before the date of the
35 election. The form of the candidate's affidavit shall be

1 substantially the same as provided in section 45.3.

2 Sec. 8. Section 358.1, Code 1991, is amended to read as
3 follows:

4 358.1 INCORPORATION.

5 ~~Whenever-any~~ If an area of ~~contiguous~~ territory is so
6 situated that the construction, maintenance, and operation of
7 a trunk sewer system and of a plant or plants for the
8 treatment of sewage and the maintenance of one or more outlets
9 for the drainage ~~thereof~~ of it, after having been so treated
10 ~~by-and-through-such-plant-or-plants~~, will be conducive to the
11 public health, comfort, convenience, or welfare, ~~such~~ the area
12 may be incorporated as a sanitary district in the manner set
13 forth in this chapter. Areas of contiguous or noncontiguous
14 territory may be incorporated in a sanitary district.

15 Sec. 9. NEW SECTION. 358.1A COMBINED WATER AND SANITARY
16 DISTRICT.

17 1. The board of supervisors of a county or major part of a
18 county in which a proposed combined water and sanitary
19 district will be located, may proceed with the establishment,
20 operation, or dissolution of a combined water and sanitary
21 district as provided in section 357.1A.

22 2. For the purpose of establishing, operating, or
23 dissolving a combined water and sanitary district under
24 chapter 357 and this chapter, the term "sanitary district"
25 includes combined water and sanitary district where
26 applicable.

27 Sec. 10. Section 358.6, Code 1991, is amended to read as
28 follows:

29 358.6 NOTICE OF ELECTION.

30 In its order for ~~such~~ the election the board of supervisors
31 shall direct the county ~~auditor-with-whom-said~~ commissioner of
32 elections of the county in which the petition is filed to
33 ~~cause notice of such~~ the election to be given ~~by-posting-at~~
34 ~~least-five-copies-of-such-notice-in-public-places-in-such~~
35 ~~proposed-district~~ at least ~~twenty~~ thirty days before the date

1 of election and by publication of such the notice once each
2 week-for-three-consecutive-weeks-in-some-newspaper-of-general
3 circulation-published-in-such-proposed-district, or, if no
4 such-paper-is-published-within-the-proposed-district, then in
5 such-a-newspaper-published-in-the-county-in-which-the-major
6 part-of-such-proposed-district-is-located, the last
7 publication-to-be-at-least-twenty-days-prior-to-the-date-of
8 election as provided in section 331.305. Such The notice
9 shall state the time and place of holding the election and the
10 hours when the polls will open and close, the purpose of the
11 election, with the name of such the proposed sanitary district
12 and a description of the boundaries thereof of it, and shall
13 set forth briefly the limits of each voting precinct and the
14 location of the polling places therein. Proof of posting and
15 publication shall be made in the manner provided in section
16 358.4 and filed with the county auditor.

17 Sec. 11. Section 358.8, Code 1991, is amended to read as
18 follows:

19 358.8 EXPENSES AND COSTS OF ELECTION.

20 The election held pursuant to this chapter shall be
21 conducted by the county commissioner of elections. All
22 expenses incurred in carrying out the foregoing sections of
23 this chapter, together with the costs of the election therein
24 provided for, as determined by the board of supervisors county
25 commissioner of elections, shall be paid by those who will be
26 benefited by the proposed sanitary district. If the district
27 is not established, the expenses and costs shall be collected
28 upon the bond or bonds of the petitioners.

29 Sec. 12. Section 358.9, unnumbered paragraph 1, Code 1991,
30 is amended to read as follows:

31 At the election provided for in section 358.7, the names of
32 candidates for trustee of the district shall be written by the
33 voters on blank ballots without formal nomination, and the
34 board of supervisors which had jurisdiction of the proceedings
35 for establishment of the sanitary district, together with the

1 board of supervisors of any other county in which any part of
2 the district is located, shall appoint three trustees from
3 among the five persons receiving the greatest number of votes
4 as trustees of the district. One of the trustees shall be
5 designated to serve a term expiring on the first day of
6 January which is not a Sunday or legal holiday following the
7 next general election, one to serve a term expiring on the
8 first day of January which is not a Sunday or legal holiday
9 two years later, and one to serve a term expiring on the first
10 day of January which is not a Sunday or legal holiday four
11 years later. Thereafter, each term shall be for a term of
12 years established by the board of supervisors, not less than
13 three years or more than six years. Successors to the initial
14 trustees ~~may shall~~ be chosen by appointment ~~by the same board~~
15 ~~or boards of supervisors which made the initial appointments~~
16 ~~or by election, at the option of the remaining trustees.~~ If
17 ~~election is chosen, a successor shall be elected at the~~
18 ~~general election preceding the expiration of the term to be~~
19 ~~filled:~~ After the initial election, a candidate for office of
20 trustee shall be nominated by a personal affidavit of the
21 candidate or by petition of at least ten eligible electors of
22 the district and the candidate's personal affidavit, which
23 shall be filed with the county commissioner of elections at
24 least twenty-five days before the date of the election. The
25 form of the candidate's affidavit shall be substantially the
26 same as provided in section 45.3.

27 Sec. 13. Section 358.9, unnumbered paragraph 4, Code 1991,
28 is amended by striking the unnumbered paragraph.

29 EXPLANATION

30 This bill provides for the creation of a combined water and
31 sanitary district upon petition to the board of supervisors
32 and a favorable vote of the proposed district electorate. The
33 board may use the procedures of either chapter 357 or 358 to
34 create the combined district. The differences between the two
35 chapters relating to the number of trustees, per diem, maximum

1 annual per diem, and related items must be resolved, and the
2 applicable provisions are to be included on the petition. For
3 example, sanitary districts are authorized a per diem for
4 trustees, three or five trustees, and a maximum annual per
5 diem while the benefited water districts are not authorized a
6 per diem and have three trustees only. There are also
7 differences in the powers and duties of the trustees relating
8 to the operation of the respective districts. This bill also
9 authorizes an existing district to petition the board of
10 supervisors to initiate procedures to create a combined water
11 and sanitary district.

12 The bill also directs the board of supervisors to establish
13 a department of public works headed by the county engineer or
14 other person to provide professional technical assistance to
15 political subdivisions in the county including the special
16 districts. In addition, the department may provide managerial
17 and administrative services for special districts and combined
18 special districts.

19 The bill provides, after the initial selection of trustees,
20 that trustees are to be elected. Nomination procedures are
21 provided by personal affidavit or by petition of 10 eligible
22 electors and a personal affidavit of the candidate. Vacancies
23 are to be filled by the remainder of the trustees.

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1 Section 1. Section 331.301, Code 1991, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 14. The county may establish a department
4 of public works. The department shall be administered by the
5 county engineer or other person appointed by the board of
6 supervisors. In addition to other duties assigned by the
7 board, the department shall provide technical assistance to
8 political subdivisions in the county including special
9 districts relating to their physical infrastructure and may
10 provide managerial and administrative services for special
11 districts and combined special districts.

12 Sec. 2. Section 357.1, unnumbered paragraph 1, Code 1991,
13 is amended to read as follows:

14 The board of supervisors of any county shall, on the
15 petition of twenty-five percent ~~of-the-resident-property~~
16 owners or more of the eligible electors residing in any
17 proposed benefited water district, grant a hearing relative to
18 the establishment of such the proposed water district; ~~such.~~
19 The petition shall set out the following and any other
20 pertinent facts:

21 Sec. 3. NEW SECTION. 357.1A COMBINED WATER AND SANITARY
22 DISTRICT.

23 1. Upon receipt of a petition having the required
24 signatories as provided in section 357.1 or 358.2, the board
25 of supervisors shall grant a hearing relative to the
26 establishment of a proposed combined water and sanitary
27 district. The petition shall include the information required
28 in sections 357.1 and 358.2 for proposed water districts and
29 sanitary districts. The board of supervisors of the county in
30 which the proposed combined district or largest part of the
31 proposed combined district is located, shall have jurisdiction
32 of the proceedings on the petition and the decision of a
33 majority of the members of that board of supervisors is
34 necessary for adoption. The orders of the board of
35 supervisors made pursuant to this chapter and chapter 358

1 relating to the proposed combined district shall be kept as
2 official records, but the records need not be published under
3 section 349.16. An existing district may petition the board
4 of supervisors to establish a combined water and sanitary
5 district after the approval of a majority of the district
6 electorate.

7 2. The board of supervisors having jurisdiction to
8 establish the proposed combined water and sanitary district
9 may proceed with its establishment under this chapter or
10 chapter 358 in the same manner as a benefited water district
11 or a sanitary district is separately established under those
12 chapters. The differences between this chapter and chapter
13 358 including, but not limited to, the membership of the board
14 of trustees, per diem, and maximum annual per diem, or a power
15 or duty relating to rents, fees, taxation, or bonded
16 indebtedness shall be resolved as a part of the petition
17 submitted to the board of supervisors. Before becoming
18 effective, a change in the membership, per diem, maximum
19 annual per diem, or a power or duty relating to rents, fees,
20 the levy of a tax, or the issuance of bonds, or other
21 differences specified on the petition shall be submitted for
22 the approval of the district electorate. However, the number
23 of members, per diem, maximum annual per diem, or differences
24 in powers and duties included in a combined district shall not
25 be inconsistent with this chapter or chapter 358.

26 3. For the purpose of establishing, operating, or
27 dissolving a combined water and sanitary district under this
28 chapter and chapter 358, the term "benefited water district"
29 includes combined water and sanitary district where
30 applicable.

31 Sec. 4. Section 357.2, Code 1991, is amended to read as
32 follows:

33 357.2 TERRITORY INCLUDED.

34 The benefited water district may include part or all of any
35 incorporated city or cities, together with or without

1 ~~surrounding~~ contiguous or noncontiguous territory including
2 cemeteries and all publicly owned land. ~~Said~~ The publicly
3 owned property shall pay and bear its proportionate share of
4 the cost and expense of ~~said~~ the water system upon the same
5 basis as privately owned property.

6 Sec. 5. Section 357.4, Code 1991, is amended to read as
7 follows:

8 357.4 PUBLIC HEARING.

9 When the board of supervisors receives a petition for the
10 establishment of a benefited water district, a public hearing
11 shall be held within twenty thirty days of the presentation of
12 the petition. Notice of ~~such~~ the hearing shall be given by
13 ~~posting-bills-in-three-public-places-within-the-district,-or~~
14 ~~by publication in-two-successive-issues-of-any-paper-of~~
15 ~~general-circulation-within-the-district,--The-last-publication~~
16 ~~or-posting-shall-be-not-less-than-one-week-before-the-proposed~~
17 hearing as provided in section 331.305.

18 Sec. 6. Section 357.12, Code 1991, is amended to read as
19 follows:

20 357.12 ELECTION.

21 When the preliminary design and assessment have been
22 approved by the board of supervisors, a date not more than
23 thirty days after ~~such~~ the approval shall be set for an
24 election within the district to determine whether or not the
25 proposed improvement shall be constructed and to choose
26 candidates for the offices of trustee within the district.
27 The proposal to approve or disapprove the improvement and the
28 selection of candidates for trustees shall be presented at the
29 same election. Notice of the election, including the time and
30 place of holding the ~~same~~ election, shall be given in the same
31 manner as for the public hearing ~~heretofore~~ provided for in
32 section 357.4. The vote shall be by ballot which shall state
33 clearly the proposition to be voted upon, and any qualified
34 elector residing within the district at the time of the
35 election ~~shall-be-entitled-to~~ may vote. ~~It-shall-not-be~~

1 ~~mandatory-for-the~~ The county commissioner of elections to
2 shall conduct elections held pursuant to this chapter, but
3 they and the elections shall be conducted in accordance with
4 ~~the-provisions-of~~ chapter 49 where those procedures are not in
5 conflict with this chapter. ~~Judges-will~~ Precinct election
6 officials shall be appointed to serve without pay, by the
7 ~~board-of-supervisors~~ commissioner of elections, from among the
8 qualified electors of the district ~~who-will-have-charge-of-the~~
9 election. The proposition shall be deemed to have carried if
10 a majority of those voting ~~thereon-vote~~ on the proposition
11 votes in favor of the-same it.

12 Sec. 7. Section 357.13, Code Supplement 1991, is amended
13 to read as follows:

14 357.13 TRUSTEES -- QUALIFICATION AND TERMS.

15 1. At the initial election provided for in section 357.12,
16 the names of the trustees shall be written by the voter on
17 blank ballots without formal nomination and the board of
18 supervisors shall appoint three from among the five receiving
19 the highest number of votes as trustees for the district, one
20 to serve for one year, one for two years, and one for three
21 years, ~~which.~~ The trustees and their successors shall give
22 bond in the amount the board of supervisors may require, the
23 premium of which shall be paid by the district which the
24 trustees represent. Vacancies during a term may ~~thereafter~~ be
25 filled by election, or by appointment by the board of
26 supervisors, at the option of the remaining trustees. The
27 trustees must be residents of the district. The term of
28 succeeding trustees shall be for three years.

29 2. After the initial board of trustees is selected, a
30 candidate for trustee shall be nominated by a personal
31 affidavit of the candidate or by petition of at least ten
32 eligible electors of the district and the candidate's
33 affidavit, which shall be filed with the county commissioner
34 of elections at least twenty-five days before the date of the
35 election. The form of the candidate's affidavit shall be

1 substantially the same as provided in section 45.3.

2 Sec. 8. Section 358.1, Code 1991, is amended to read as
3 follows:

4 358.1 INCORPORATION.

5 ~~Whenever-any~~ If an area of contiguous territory is so
6 situated that the construction, maintenance, and operation of
7 a trunk sewer system and of a plant or plants for the
8 treatment of sewage and the maintenance of one or more outlets
9 for the drainage ~~thereof~~ of it, after having been so treated
10 ~~by-and-through-such-plant-or-plants~~, will be conducive to the
11 public health, comfort, convenience, or welfare, ~~such~~ the area
12 may be incorporated as a sanitary district in the manner set
13 forth in this chapter. Areas of contiguous or noncontiguous
14 territory may be incorporated in a sanitary district.

15 Sec. 9. NEW SECTION. 358.1A COMBINED WATER AND SANITARY
16 DISTRICT.

17 1. The board of supervisors of a county or major part of a
18 county in which a proposed combined water and sanitary
19 district will be located, may proceed with the establishment,
20 operation, or dissolution of a combined water and sanitary
21 district as provided in section 357.1A.

22 2. For the purpose of establishing, operating, or
23 dissolving a combined water and sanitary district under
24 chapter 357 and this chapter, the term "sanitary district"
25 includes combined water and sanitary district where
26 applicable.

27 Sec. 10. Section 358.6, Code 1991, is amended to read as
28 follows:

29 358.6 NOTICE OF ELECTION.

30 In its order for ~~such~~ the election the board of supervisors
31 shall direct the county ~~auditor-with-whom-said~~ commissioner of
32 elections of the county in which the petition is filed to
33 cause notice of ~~such~~ the election to be given ~~by-posting-at~~
34 ~~least-five-copies-of-such-notice-in-public-places-in-such~~
35 ~~proposed-district~~ at least twenty thirty days before the date

1 of election and by publication of such the notice once each
2 ~~week-for-three-consecutive-weeks-in-some-newspaper-of-general~~
3 ~~circulation-published-in-such-proposed-district,--or--if-no~~
4 ~~such-paper-is-published-within-the-proposed-district,--then-in~~
5 ~~such-a-newspaper-published-in-the-county-in-which-the-major~~
6 ~~part-of-such-proposed-district-is-located,--the-last~~
7 ~~publication-to-be-at-least-twenty-days-prior-to-the-date-of~~
8 ~~election~~ as provided in section 331.305. Such The notice
9 shall state the time and place of holding the election and the
10 hours when the polls will open and close, the purpose of the
11 election, with the name of such the proposed sanitary district
12 and a description of the boundaries thereof of it, and shall
13 set forth briefly the limits of each voting precinct and the
14 location of the polling places therein. Proof of ~~posting-and~~
15 publication shall be made in the manner provided in section
16 358.4 and filed with the county auditor.

17 Sec. 11. Section 358.8, Code 1991, is amended to read as
18 follows:

19 358.8 EXPENSES AND COSTS OF ELECTION.

20 The election held pursuant to this chapter shall be
21 conducted by the county commissioner of elections. All
22 expenses incurred in carrying out the foregoing sections of
23 this chapter, together with the costs of the election therein
24 ~~provided-for~~, as determined by the ~~board-of-supervisors~~ county
25 commissioner of elections, shall be paid by those who will be
26 benefited by the proposed sanitary district. If the district
27 is not established, the expenses and costs shall be collected
28 upon the bond or bonds of the petitioners.

29 Sec. 12. Section 358.9, unnumbered paragraph 1, Code 1991,
30 is amended to read as follows:

31 At the election provided for in section 358.7, the names of
32 candidates for trustee of the district shall be written by the
33 voters on blank ballots without formal nomination, and the
34 board of supervisors which had jurisdiction of the proceedings
35 for establishment of the sanitary district, together with the

1 board of supervisors of any other county in which any part of
2 the district is located, shall appoint three trustees from
3 among the five persons receiving the greatest number of votes
4 as trustees of the district. One of the trustees shall be
5 designated to serve a term expiring on the first day of
6 January which is not a Sunday or legal holiday following the
7 next general election, one to serve a term expiring on the
8 first day of January which is not a Sunday or legal holiday
9 two years later, and one to serve a term expiring on the first
10 day of January which is not a Sunday or legal holiday four
11 years later. Thereafter, each term shall be for a term of
12 years established by the board of supervisors, not less than
13 three years or more than six years. Successors to the initial
14 trustees ~~may shall~~ be chosen by ~~appointment-by-the-same-board~~
15 ~~or-boards-of-supervisors-which-made-the-initial-appointments~~
16 ~~or-by~~ election, ~~at-the-option-of-the-remaining-trustees.~~ If
17 ~~election-is-chosen,-a-successor-shall-be-elected-at-the~~
18 ~~general-election-preceding-the-expiration-of-the-term-to-be~~
19 ~~filled:~~ After the initial election, a candidate for office of
20 trustee shall be nominated by a personal affidavit of the
21 candidate or by petition of at least ten eligible electors of
22 the district and the candidate's personal affidavit, which
23 shall be filed with the county commissioner of elections at
24 least twenty-five days before the date of the election. The
25 form of the candidate's affidavit shall be substantially the
26 same as provided in section 45.3.

27 Sec. 13. Section 358.9, unnumbered paragraph 4, Code 1991,
28 is amended by striking the unnumbered paragraph.

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HOUSE AMENDMENT TO
SENATE FILE 2254

S-5876

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. NEW SECTION. 135K.1 DEFINITIONS.

6 As used in this chapter, unless the context
7 otherwise requires:

8 1. "Approved course" means a course covering the
9 testing and repair of backflow prevention assemblies
10 which has been approved by the department.

11 2. "Backflow prevention assembly" means a device
12 or means to prevent backflow into the potable water
13 system.

14 3. "Department" means the Iowa department of
15 public health.

16 4. "Registered backflow prevention assembly
17 tester" means a person who has successfully completed
18 an approved course and has registered with the
19 department.

20 Sec. 2. NEW SECTION. 135K.2 APPLICABILITY.

21 This chapter applies to all persons who test or
22 repair backflow prevention assemblies.

23 Sec. 3. NEW SECTION. 135K.3 REGISTRATION AND
24 APPROVAL REQUIRED.

25 A person shall not test or repair backflow
26 prevention assemblies without first having registered
27 with and having been approved by the department.

28 Sec. 4. NEW SECTION. 135K.4 POWERS AND DUTIES.

29 The department shall adopt rules in accordance with
30 chapter 17A, which provide for all of the following:

31 1. The establishment of minimum qualifications for
32 registered backflow prevention assembly testers.

33 2. The establishment of minimum standards for
34 approved courses.

35 3. The establishment and collection of fees to
36 defray the cost of administering this chapter.

37 4. The provision of a listing of registered
38 backflow prevention assembly testers to local health
39 officials.

40 5. The administration and enforcement of this
41 chapter.

42 Sec. 5. NEW SECTION. 135K.5 PENALTY.

43 A person who violates this chapter is guilty of a
44 simple misdemeanor.

45 Sec. 6. NEW SECTION. 135K.6 ENFORCEMENT.

46 1. The department shall investigate complaints
47 regarding backflow prevention assembly testers. If
48 the department determines that a provision of this
49 chapter regarding the requirements for a backflow
50 prevention assembly tester has been violated, the

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1 department may order a person not to test or repair
2 backflow prevention assemblies or may revoke the
3 registration of a registered backflow prevention
4 assembly tester until the necessary corrective action
5 has been taken.

6 2. The department shall investigate complaints
7 regarding courses covering the testing and repair of
8 backflow prevention assemblies. If the department
9 determines that a provision of this chapter regarding
10 approved courses has been violated, the department may
11 revoke the approval of a course until the necessary
12 corrective action has been taken."

13 2. Page 1, by inserting before line 1 the
14 following:

15 "Section 1. Section 303.34, unnumbered paragraph
16 2, Code 1991, is amended by striking the unnumbered
17 paragraph."

18 3. Page 2, by inserting after line 30, the
19 following:

20 "4. Water services and a water service plan
21 prepared by the combined district are subject to
22 approval by an affected city as provided in section
23 357.1."

24 4. Page 7, by inserting after line 28 the
25 following:

26 "Sec. ____ . NEW SECTION. 358.30 ANNEXATION OF
27 LAND BY A CITY.

28 A sanitary district shall be fairly compensated for
29 losses resulting from annexation. The governing body
30 of a city or city utility and the board of trustees of
31 the sanitary district may agree to terms which provide
32 that the facilities owned by the sanitary district and
33 located within the city shall be retained by the
34 sanitary district for the purpose of sanitary service
35 to customers outside the city. If an agreement is not
36 reached within ninety days, the issues may be
37 submitted to arbitration. If submitted, an arbitrator
38 shall be selected by a committee which includes one
39 member of the governing body of the city or its
40 designee, one member of the sanitary district's board
41 of trustees or its designee, and a disinterested party
42 selected by the other two members of the committee. A
43 list of qualified arbitrators may be obtained from the
44 American arbitration association or other recognized
45 arbitration organization or association."

46 5. Page 7, by inserting after line 28 the fol-
47 lowing:

48 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
49 of immediate importance, takes effect upon enactment."

50 6. Title page, line 1, by inserting after the

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- 1 word "relating" the following: "to special land use
- 2 districts and".
- 3 7. Title page, line 1, by inserting after the
- 4 word "to" the following: "the establishment of a
- 5 certification program for backflow assembly testers,".
- 6 8. Title page, line 3, by inserting after the
- 7 word "board," the following: "providing penalties,".
- 8 9. Title page, line 4, by inserting after the
- 9 word "matters" the following: "and providing an
- 10 effective date".
- 11 10. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5876 FILED APRIL 24, 1992

Senate amended (5876) - concurred 4/27 (p. 1651)

SENATE FILE 2254

S-5886

- 1 Amend the amendment, S-5876, to Senate File 2254,
 - 2 as amended, passed, and reprinted by the Senate, as
 - 3 follows:
 - 4 1. Page 2, by striking lines 24 through 45.
- By RICHARD VARN

S-5886 FILED APRIL 27, 1992

ADOPTED (p. 1651)

SENATE FILE 2254

H-5286

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 7, by inserting after line 28 the
4 following:

5 "Sec. ____ . NEW SECTION. 358.30 ANNEXATION OF
6 LAND BY A CITY.

7 A sanitary district shall be fairly compensated for
8 losses resulting from annexation. The governing body
9 of a city or city utility and the board of trustees of
10 the sanitary district may agree to terms which provide
11 that the facilities owned by the sanitary district and
12 located within the city shall be retained by the
13 sanitary district for the purpose of sanitary service
14 to customers outside the city. If an agreement is not
15 reached within ninety days, the issues shall be
16 submitted to arbitration. An arbitrator shall be
17 selected by a committee which includes one member of
18 the governing body of the city or its designee, one
19 member of the sanitary district's board of trustees or
20 its designee, and a disinterested party selected by
21 the other two members of the committee. A list of
22 qualified arbitrators may be obtained from the
23 American arbitration association or other recognized
24 arbitration organization or association."

25 2. By renumbering sections.

By BARTZ of Worth

H-5286 FILED MARCH 13, 1992

Adopted as amended by 56.26 (p. 1716)

SENATE FILE 2254

H-5563

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, line 5, by striking the word
4 "~~contiguous~~" and inserting the following:
5 "contiguous".

6 2. Page 5, by striking lines 13 and 14 and
7 inserting the following: "forth in this chapter."

By SPEAR of Lee

H-5563 FILED MARCH 26, 1992

H/108 4/22

SENATE FILE 2254

H-5605

1 Amend Senate File 2254, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 303.34, unnumbered paragraph
6 2, Code 1991, is amended by striking the unnumbered
7 paragraph."

8 2. Page 7, by inserting after line 28 the fol-
9 lowing:

10 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
11 of immediate importance, takes effect upon enactment."

12 3. Title page, line 1, by inserting after the
13 word "relating" the following: "to special land use
14 districts and".

15 4. Title page, line 4, by inserting after the
16 word "matters" the following: "and providing an
17 effective date".

18 5. By renumbering as necessary.

By COHOON of Des Moines
DVORSKY of Johnson

H-5605 FILED MARCH 30, 1992

Adopted 4/22 (p. 1715)

SENATE FILE 2254

H-5626

1 Amend the amendment, H-5286, to Senate File 2254,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 15, by striking the word "shall"
5 and inserting the following: "may".

6 2. Page 1, line 16, by striking the word "An" and
7 inserting the following: "If submitted, an".

By BARTZ of Worth

H-5626 FILED MARCH 31, 1992

Adopted 4/22 (p. 1716)

SENATE FILE 2254

H-5627

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 30, the
4 following:

5 "4. Water services and a water service plan
6 prepared by the combined district are subject to
7 approval by an affected city as provided in section
8 357.1."

By SPEAR of Lee

H-5627 FILED MARCH 31, 1992

Adopted 4/22 (p. 1715)

SENATE FILE 2254

H-5904

1 Amend Senate File 2254, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. NEW SECTION. 135K.1 DEFINITIONS.

6 As used in this chapter, unless the context
7 otherwise requires:

8 1. "Approved course" means a course covering the
9 testing and repair of backflow prevention assemblies
10 which has been approved by the department.

11 2. "Backflow prevention assembly" means a device
12 or means to prevent backflow into the potable water
13 system.

14 3. "Department" means the Iowa department of
15 public health.

16 4. "Registered backflow prevention assembly
17 tester" means a person who has successfully completed
18 an approved course and has registered with the
19 department.

20 Sec. 2. NEW SECTION. 135K.2 APPLICABILITY.

21 This chapter applies to all persons who test or
22 repair backflow prevention assemblies.

23 Sec. 3. NEW SECTION. 135K.3 REGISTRATION AND
24 APPROVAL REQUIRED.

25 A person shall not test or repair backflow
26 prevention assemblies without first having registered
27 with and having been approved by the department.

28 Sec. 4. NEW SECTION. 135K.4 POWERS AND DUTIES.

29 The department shall adopt rules in accordance with
30 chapter 17A, which provide for all of the following:

31 1. The establishment of minimum qualifications for
32 registered backflow prevention assembly testers.

33 2. The establishment of minimum standards for
34 approved courses.

35 3. The establishment and collection of fees to
36 defray the cost of administering this chapter.

37 4. The provision of a listing of registered
38 backflow prevention assembly testers to local health
39 officials.

40 5. The administration and enforcement of this
41 chapter.

42 Sec. 5. NEW SECTION. 135K.5 PENALTY.

43 A person who violates this chapter is guilty of a
44 simple misdemeanor.

45 Sec. 6. NEW SECTION. 135K.6 ENFORCEMENT.

46 1. The department shall investigate complaints
47 regarding backflow prevention assembly testers. If
48 the department determines that a provision of this
49 chapter regarding the requirements for a backflow
50 prevention assembly tester has been violated, the

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1 department may order a person not to test or repair
2 backflow prevention assemblies or may revoke the
3 registration of a registered backflow prevention
4 assembly tester until the necessary corrective action
5 has been taken.

6 2. The department shall investigate complaints
7 regarding courses covering the testing and repair of
8 backflow prevention assemblies. If the department
9 determines that a provision of this chapter regarding
10 approved courses has been violated, the department may
11 revoke the approval of a course until the necessary
12 corrective action has been taken."

13 2. Title page, line 1, by inserting after the
14 word "to" the following: "the establishment of a
15 certification program for backflow assembly testers,".

16 3. Title page, line 3, by inserting after the
17 word "board," the following: "providing penalties,".

18 4. By renumbering sections as necessary.

By CONNORS of Polk
DVORSKY of Johnson
BISIGNANO of Polk

H-5904 FILED APRIL 14, 1992

Adopted 4/22 (p. 1714)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2254
H-6035

1 Amend the amendment, S-5876, to Senate File 2254,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 24 through 45.

RECEIVED FROM THE SENATE

H-6035 FILED APRIL 27, 1992
CONCURRED (p. 1828)

SENATE FILE 2254

AN ACT

RELATING TO SPECIAL LAND USE DISTRICTS AND TO THE ESTABLISHMENT OF A CERTIFICATION PROGRAM FOR BACKFLOW ASSEMBLY TESTERS, THE CREATION OF A COMBINED WATER AND SANITARY DISTRICT AND A DEPARTMENT OF PUBLIC WORKS, PROVIDING FOR A GOVERNING BOARD, PROVIDING PENALTIES, AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 135K.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Approved course" means a course covering the testing and repair of backflow prevention assemblies which has been approved by the department.
2. "Backflow prevention assembly" means a device or means to prevent backflow into the potable water system.
3. "Department" means the Iowa department of public health.
4. "Registered backflow prevention assembly tester" means a person who has successfully completed an approved course and has registered with the department.

Sec. 2. NEW SECTION. 135K.2 APPLICABILITY.

This chapter applies to all persons who test or repair backflow prevention assemblies.

Sec. 3. NEW SECTION. 135K.3 REGISTRATION AND APPROVAL REQUIRED.

A person shall not test or repair backflow prevention assemblies without first having registered with and having been approved by the department.

Sec. 4. NEW SECTION. 135K.4 POWERS AND DUTIES.

The department shall adopt rules in accordance with chapter 17A, which provide for all of the following:

1. The establishment of minimum qualifications for registered backflow prevention assembly testers.
2. The establishment of minimum standards for approved courses.
3. The establishment and collection of fees to defray the cost of administering this chapter.
4. The provision of a listing of registered backflow prevention assembly testers to local health officials.
5. The administration and enforcement of this chapter.

Sec. 5. NEW SECTION. 135K.5 PENALTY.

A person who violates this chapter is guilty of a simple misdemeanor.

Sec. 6. NEW SECTION. 135K.6 ENFORCEMENT.

1. The department shall investigate complaints regarding backflow prevention assembly testers. If the department determines that a provision of this chapter regarding the requirements for a backflow prevention assembly tester has been violated, the department may order a person not to test or repair backflow prevention assemblies or may revoke the registration of a registered backflow prevention assembly tester until the necessary corrective action has been taken.
2. The department shall investigate complaints regarding courses covering the testing and repair of backflow prevention assemblies. If the department determines that a provision of this chapter regarding approved courses has been violated, the department may revoke the approval of a course until the necessary corrective action has been taken.

Sec. 7. Section 303.34, unnumbered paragraph 2, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 8. Section 331.301, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The county may establish a department of public works. The department shall be administered by the county engineer or other person appointed by the board of supervisors. In addition to other duties assigned by the board, the department shall provide technical assistance to political subdivisions in the county including special districts relating to their physical infrastructure and may provide managerial and administrative services for special districts and combined special districts.

Sec. 9. Section 357.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board of supervisors of any county shall, on the petition of twenty-five percent ~~of the resident property owners or more of the eligible electors residing~~ in any proposed benefited water district, grant a hearing relative to the establishment of ~~such the proposed water districts--such.~~ The petition shall set out the following and any other pertinent facts:

Sec. 10. NEW SECTION. 357.1A COMBINED WATER AND SANITARY DISTRICT.

1. Upon receipt of a petition having the required signatories as provided in section 357.1 or 358.2, the board of supervisors shall grant a hearing relative to the establishment of a proposed combined water and sanitary district. The petition shall include the information required in sections 357.1 and 358.2 for proposed water districts and sanitary districts. The board of supervisors of the county in which the proposed combined district or largest part of the proposed combined district is located, shall have jurisdiction of the proceedings on the petition and the decision of a majority of the members of that board of supervisors is

necessary for adoption. The orders of the board of supervisors made pursuant to this chapter and chapter 358 relating to the proposed combined district shall be kept as official records, but the records need not be published under section 349.16. An existing district may petition the board of supervisors to establish a combined water and sanitary district after the approval of a majority of the district electorate.

2. The board of supervisors having jurisdiction to establish the proposed combined water and sanitary district may proceed with its establishment under this chapter or chapter 358 in the same manner as a benefited water district or a sanitary district is separately established under those chapters. The differences between this chapter and chapter 358 including, but not limited to, the membership of the board of trustees, per diem, and maximum annual per diem, or a power or duty relating to rents, fees, taxation, or bonded indebtedness shall be resolved as a part of the petition submitted to the board of supervisors. Before becoming effective, a change in the membership, per diem, maximum annual per diem, or a power or duty relating to rents, fees, the levy of a tax, or the issuance of bonds, or other differences specified on the petition shall be submitted for the approval of the district electorate. However, the number of members, per diem, maximum annual per diem, or differences in powers and duties included in a combined district shall not be inconsistent with this chapter or chapter 358.

3. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under this chapter and chapter 358, the term "benefited water district" includes combined water and sanitary district where applicable.

4. Water services and a water service plan prepared by the combined district are subject to approval by an affected city as provided in section 357.1.

Sec. 11. Section 357.2, Code 1991, is amended to read as follows:

357.2 TERRITORY INCLUDED.

The benefited water district may include part or all of any incorporated city or cities, together with or without surrounding contiguous or noncontiguous territory including cemeteries and all publicly owned land. ~~Said~~ The publicly owned property shall pay and bear its proportionate share of the cost and expense of ~~said~~ the water system upon the same basis as privately owned property.

Sec. 12. Section 357.4, Code 1991, is amended to read as follows:

357.4 PUBLIC HEARING.

When the board of supervisors receives a petition for the establishment of a benefited water district, a public hearing shall be held within thirty days of the presentation of the petition. Notice of such the hearing shall be given by ~~posting bills in three public places within the district, or by publication in two successive issues of any paper of general circulation within the district. The last publication or posting shall be not less than one week before the proposed hearing as provided in section 331.305.~~

Sec. 13. Section 357.12, Code 1991, is amended to read as follows:

357.12 ELECTION.

When the preliminary design and assessment have been approved by the board of supervisors, a date not more than thirty days after such the approval shall be set for an election within the district to determine whether or not the proposed improvement shall be constructed and to choose candidates for the offices of trustee within the district. The proposal to approve or disapprove the improvement and the selection of candidates for trustees shall be presented at the same election. Notice of the election, including the time and place of holding the same election, shall be given in the same

manner as for the public hearing heretofore provided for in section 357.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon, and any qualified elector residing within the district at the time of the election ~~shall be entitled to~~ may vote. ~~It shall not be mandatory for the~~ The county commissioner of elections to shall conduct elections held pursuant to this chapter, but they and the elections shall be conducted in accordance with ~~the provisions of~~ chapter 49 where those procedures are not in conflict with this chapter. ~~Judges will~~ Precinct election officials shall be appointed to serve without pay, by the ~~board of supervisors~~ commissioner of elections, from among the qualified electors of the district ~~who will have charge of the election~~. The proposition shall be deemed to have carried if a majority of those voting thereon vote on the proposition votes in favor of the same it.

Sec. 14. Section 357.13, Code Supplement 1991, is amended to read as follows:

357.13 TRUSTEES -- QUALIFICATION AND TERMS.

1. At the initial election provided for in section 357.12, the names of the trustees shall be written by the voter on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district, one to serve for one year, one for two years, and one for three years which. The trustees and their successors shall give bond in the amount the board of supervisors may require, the premium of which shall be paid by the district which the trustees represent. Vacancies during a term may thereafter be filled by election, or by appointment by the board of supervisors, at the option of the remaining trustees. The trustees must be residents of the district. The term of succeeding trustees shall be for three years.

2. After the initial board of trustees is selected, a candidate for trustee shall be nominated by a personal

affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.1.

Sec. 15. Section 358.1, Code 1991, is amended to read as follows:

358.1 INCORPORATION.

Whenever any if an area of contiguous territory is so situated that the construction, maintenance, and operation of a trunk sewer system and of a plant or plants for the treatment of sewage and the maintenance of one or more outlets for the drainage thereof of it, after having been so treated by-and-through-such-plant-or-plants, will be conducive to the public health, comfort, convenience, or welfare, such the area may be incorporated as a sanitary district in the manner set forth in this chapter. Areas of contiguous or noncontiguous territory may be incorporated in a sanitary district.

Sec. 16. NEW SECTION. 358.1A COMBINED WATER AND SANITARY DISTRICT.

1. The board of supervisors of a county or major part of a county in which a proposed combined water and sanitary district will be located, may proceed with the establishment, operation, or dissolution of a combined water and sanitary district as provided in section 357.1A.

2. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under chapter 357 and this chapter, the term "sanitary district" includes combined water and sanitary district where applicable.

Sec. 17. Section 358.6, Code 1991, is amended to read as follows:

358.6 NOTICE OF ELECTION.

In its order for such the election the board of supervisors shall direct the county auditor with whom said commissioner of elections of the county in which the petition is filed to cause notice of such the election to be given by posting at least five copies of such notice in public places in such proposed district at least twenty thirty days before the date of election and by publication of such the notice once each week for three consecutive weeks in some newspaper of general circulation published in such proposed district, or if no such paper is published within the proposed district, then in such a newspaper published in the county in which the major part of such proposed district is located, the last publication to be at least twenty days prior to the date of election as provided in section 331.305. Such The notice shall state the time and place of holding the election and the hours when the polls will open and close, the purpose of the election, with the name of such the proposed sanitary district and a description of the boundaries thereof of it, and shall set forth briefly the limits of each voting precinct and the location of the polling places therein. Proof of posting and publication shall be made in the manner provided in section 358.4 and filed with the county auditor.

Sec. 18. Section 358.8, Code 1991, is amended to read as follows:

358.8 EXPENSES AND COSTS OF ELECTION.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out the foregoing sections of this chapter, together with the costs of the election therein provided for, as determined by the board of supervisors county commissioner of elections, shall be paid by those who will be benefited by the proposed sanitary district. If the district is not established, the expenses and costs shall be collected upon the bond or bonds of the petitioners.

Sec. 19. Section 358.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

At the election provided for in section 358.7, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, one to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or legal holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to the initial trustees may shall be chosen by appointment-by-the-same-board or-boards-of-supervisors-which-made-the-initial-appointments or-by election, at the option of the remaining trustees. If election-is-chosen, a successor shall be elected at the general election preceding the expiration of the term to be filled. After the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.1.

Sec. 20. Section 358.9, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 21. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2254, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate
Approved May 14, 1992

TERRY E. BRANSTAD
Governor