

SENATE FILE 315

BY COMMITTEE ON LOCAL GOVERNMENT

*Substituted for HF 347*  
*4-5-93*  
(SUCCESSOR TO SSB 144)

Passed Senate, <sup>(p.156)</sup> Date 3/22/93 Passed House, <sup>(p.1055)</sup> Date 4-5-93  
Vote: Ayes 47 Nays 0 Vote: Ayes 99 Nays 1  
Approved April 12, 1993

A BILL FOR

1 An Act relating to the selection of trustees for sanitary  
2 districts, and providing for retroactive applicability and an  
3 effective date.

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

SF315

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1 Section 1. Section 358.9, unnumbered paragraphs 1 and 3,  
2 Code 1993, are amended to read as follows:

3 At the election provided for in section 358.7, the names of  
4 candidates for trustee of the district shall be written by the  
5 voters on blank ballots without formal nomination, and the  
6 board of supervisors which had jurisdiction of the proceedings  
7 for establishment of the sanitary district, together with the  
8 board of supervisors of any other county in which any part of  
9 the district is located, shall appoint three trustees from  
10 among the five persons receiving the greatest number of votes  
11 as trustees of the district. One of the trustees shall be  
12 designated to serve a term expiring on the first day of  
13 January which is not a Sunday or legal holiday following the  
14 next general election, one to serve a term expiring on the  
15 first day of January which is not a Sunday or legal holiday  
16 two years later, and one to serve a term expiring on the first  
17 day of January which is not a Sunday or legal holiday four  
18 years later. Thereafter, each term shall be for a term of  
19 years established by the board of supervisors, not less than  
20 three years or more than six years. Successors to ~~the initial~~  
21 trustees shall be ~~chosen~~ elected by special election or at a  
22 special meeting of the board of trustees called for that  
23 purpose. ~~After~~ For each special election called after the  
24 initial election, a candidate for office of trustee shall be  
25 nominated by a personal affidavit of the candidate or by  
26 petition of at least ten eligible electors of the district and  
27 the candidate's personal affidavit, which shall be filed with  
28 the county commissioner of elections at least twenty-five days  
29 before the date of the election. The form of the candidate's  
30 affidavit shall be substantially the same as provided in  
31 section 45.3.

32 ~~However, for districts formed after July 17, 1984~~ In lieu of  
33 a special election, successors to ~~the initial~~ trustees shall  
34 be elected at ~~the next general election or at an annual a~~  
35 special meeting of the board of trustees called for that

1 purpose. Upon its own motion, the board of trustees may, or  
2 upon petition of a majority of the landowners owning more than  
3 fifty percent of the total land in the district, ~~the board of~~  
4 ~~trustees~~ shall, call ~~an annual~~ a special meeting of the  
5 residents of the district to elect successors to trustees of  
6 the board. ~~Vacancies shall be filled by the remaining~~  
7 ~~trustees in the same manner as city council members as~~  
8 ~~provided in section 372.137, subsection 2~~ Notice of the meeting  
9 shall be given at least ten days before the date of the  
10 meeting by publication of the notice in a newspaper of general  
11 circulation in the district. The notice shall state the date,  
12 times, and location of the meeting and that the meeting is  
13 called for the purpose of electing one or more trustees to the  
14 board.

15 Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

16 1. This Act, being deemed of immediate importance, takes  
17 effect upon enactment.

18 2. Section 1 of this Act is retroactive to January 1,  
19 1993, and applicable on and after that date for any vacancies  
20 occurring on the board of trustees of a sanitary district.

21 EXPLANATION

22 This bill provides that, after the initial board members  
23 are selected, members of the board of trustees of sanitary  
24 districts are to be selected by a special election or at a  
25 special meeting of the board of trustees called by the board  
26 of trustees or a petition of landowners owning more than 50  
27 percent of the total land in the district. Notice of the  
28 special meeting is provided by publication of the date,  
29 location, and time in a local newspaper.

30 The bill is immediately effective and retroactively  
31 applicable to January 1, 1993, to include the selection of  
32 trustees for vacancies occurring on or after that date.

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PRIEBE, CH.  
BANK  
JENSEN

SSB 144  
Local Government

SENATE FILE 315  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL BY CHAIR-  
PERSON SORENSEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the selection of trustees for water districts  
2 and sanitary districts, and providing for retroactive  
3 applicability and an effective date.

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

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1 Section 1. Section 357.13, Code 1993, is amended to read  
2 as follows:

3 357.13 TRUSTEES -- QUALIFICATION AND TERMS.

4 1. At the initial election provided for in section 357.12,  
5 the names of the trustees shall be written by the voter on  
6 blank ballots without formal nomination and the board of  
7 supervisors shall appoint three from among the five receiving  
8 the highest number of votes as trustees for the district, one  
9 to serve for one year, one for two years, and one for three  
10 years. The trustees and their successors shall give bond in  
11 the amount the board of supervisors may require, the premium  
12 of which shall be paid by the district which the trustees  
13 represent. Vacancies during a term may shall be filled by  
14 election, or by appointment by the remaining members of the  
15 board of supervisors, at the option of the remaining trustees  
16 until a successor is chosen by special election or at an  
17 annual meeting of the board of trustees called for that  
18 purpose. Upon petition of a majority of the landowners owning  
19 more than fifty percent of the total land in the district, the  
20 board of trustees shall call an annual meeting of the  
21 residents of the district to elect successors to the trustees  
22 of the board. The trustees must be residents of the district.  
23 The term of succeeding trustees shall be for three years.

24 2. After the initial board of trustees is selected and a  
25 special election is called, a candidate for trustee shall be  
26 nominated by a personal affidavit of the candidate or by  
27 petition of at least ten eligible electors of the district and  
28 the candidate's affidavit, which shall be filed with the  
29 county commissioner of elections at least twenty-five days  
30 before the date of the election. The form of the candidate's  
31 affidavit shall be substantially the same as provided in  
32 section 45.3.

33 Sec. 2. Section 358.9, unnumbered paragraphs 1 and 3, Code  
34 1993, are amended to read as follows:

35 At the election provided for in section 358.7, the names of

1 candidates for trustee of the district shall be written by the  
2 voters on blank ballots without formal nomination, and the  
3 board of supervisors which had jurisdiction of the proceedings  
4 for establishment of the sanitary district, together with the  
5 board of supervisors of any other county in which any part of  
6 the district is located, shall appoint three trustees from  
7 among the five persons receiving the greatest number of votes  
8 as trustees of the district. One of the trustees shall be  
9 designated to serve a term expiring on the first day of  
10 January which is not a Sunday or legal holiday following the  
11 next general election, one to serve a term expiring on the  
12 first day of January which is not a Sunday or legal holiday  
13 two years later, and one to serve a term expiring on the first  
14 day of January which is not a Sunday or legal holiday four  
15 years later. Thereafter, each term shall be for a term of  
16 years established by the board of supervisors, not less than  
17 three years or more than six years. Successors to the initial  
18 trustees shall be chosen by special election or at an annual  
19 meeting called for that purpose. After the initial election  
20 and a special election is called, a candidate for office of  
21 trustee shall be nominated by a personal affidavit of the  
22 candidate or by petition of at least ten eligible electors of  
23 the district and the candidate's personal affidavit, which  
24 shall be filed with the county commissioner of elections at  
25 least twenty-five days before the date of the election. The  
26 form of the candidate's affidavit shall be substantially the  
27 same as provided in section 45.3.

28 ~~However, for districts formed after July 17, 1984~~ In lieu of  
29 a special election, successors to the initial trustees shall  
30 may be elected at ~~the next general election or at~~ an annual  
31 meeting of the board of trustees called for that purpose.  
32 Upon petition of a majority of the landowners owning more than  
33 fifty percent of the total land in the district, the board of  
34 trustees shall call an annual meeting of the residents of the  
35 district to elect successors to trustees of the board.

1 Vacancies shall be filled by the remaining trustees in the  
2 same manner as city council members as provided in section  
3 372.13, subsection 2.

4 Sec. 3. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

5 1. This Act, being deemed of immediate importance, takes  
6 effect upon enactment.

7 2. Sections 1 and 2 of this Act are retroactive to January  
8 1, 1993, and applicable on and after that date for any  
9 vacancies occurring on the board of trustees of a water  
10 district or a sanitary district.

11 EXPLANATION

12 This bill provides that, after the initial board members  
13 are selected, members of the board of trustees of water  
14 districts and sanitary districts are to be selected by a  
15 special election or at an annual meeting of the board of  
16 trustees called by a majority of the landowners owning more  
17 than 50 percent of the total land in the district.

18 The selection process is the same for both water districts  
19 and sanitary districts to provide uniform organizational  
20 provisions if a joint water and sanitary district is formed.

21 The bill is immediately effective and retroactively  
22 applicable to January 1, 1993, to include the selection of  
23 trustees for vacancies occurring on or after that date.

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SENATE FILE 315

AN ACT

RELATING TO THE SELECTION OF TRUSTEES FOR SANITARY DISTRICTS,  
AND PROVIDING FOR RETROACTIVE APPLICABILITY AND AN EFFECTIVE  
DATE.

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

Section 1. Section 358.9, unnumbered paragraphs 1 and 3, Code 1993, are 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 shall be chosen ~~elect~~ed by special election or at a special meeting of the board of trustees called for that purpose. ~~After~~ For each special election called 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 45.3.

~~However, for districts formed after July 17, 1984~~ In lieu of a special election, successors to the ~~initial~~ trustees shall be elected at the ~~next general election or at an annual a~~ special meeting of the board of trustees called for that purpose. ~~Upon its own motion, the board of trustees may, or upon~~ petition of a ~~majority of the~~ landowners owning more than fifty percent of the total land in the district, ~~the board of trustees shall call an annual a special meeting of the residents of the district to elect successors to trustees of the board. Vacancies shall be filled by the remaining trustees in the same manner as city council members as provided in section 372.137, subsection 2~~ Notice of the meeting shall be given at least ten days before the date of the meeting by publication of the notice in a newspaper of general circulation in the district. The notice shall state the date, times, and location of the meeting and that the meeting is called for the purpose of electing one or more trustees to the board.

Sec. 2. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

1. This Act, being deemed of immediate importance, takes effect upon enactment.

2. Section 1 of this Act is retroactive to January 1, 1993, and applicable on and after that date for any vacancies occurring on the board of trustees of a sanitary district.

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LEONARD L. BOSWELL  
President of the Senate

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HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 315, Seventy-fifth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 12, 1993

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TERRY E. BRANSTAD  
Governor