

(P. 344) 2/23/94 amend / Do Pass
W/H 5096

FEB 15 1994
LOCAL GOVERNMENT

HOUSE FILE 2199
BY GREIG, BLODGETT, and
MAY

(P. 445)
Passed House, Date 3-7-94 Passed Senate, Date 3/28/94
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved April 8, 1994

A BILL FOR

1 An Act relating to the number and election of sanitary district
2 trustees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4

HOUSE FILE 2199

H-5096

- 1 Amend House File 2199 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "Successors" the following: "to a five-member board
- 4 selected under this paragraph".
- 5 2. Page 1, line 17, by striking the words
- 6 "election. After" and inserting the following:
- 7 "election and after".
- 8 3. Page 1, line 26, by striking the words "at
- 9 least one hundred" and inserting the following: "the
- 10 number of".
- 11 4. Page 1, line 27, by striking the words
- 12 "residing in" and inserting the following: "of the
- 13 district equal to at least five percent of the
- 14 residents of".
- 15 5. Page 1, line 34, by striking the words "at
- 16 least one hundred" and inserting the following: "the
- 17 number of".
- 18 6. Page 1, line 35, by inserting after the word
- 19 "electors" the following: "of the district equal to
- 20 at least five percent of the residents of the
- 21 district".

HF 2199

(P. 444) 3/7/94 ADOPTED

By COMMITTEE ON LOCAL GOVERNMENT
IVERSON of Wright, Chairperson

H-5096 FILED FEBRUARY 23, 1994

23
24

TLSB 3691HH 75

tj/jw/5

1 Section 1. Section 358.9, Code Supplement 1993, is amended
2 by adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. If the petition to establish a
4 sanitary district requests a board of trustees of five
5 members, the board of supervisors shall select five trustees
6 from among the seven persons receiving the highest number of
7 votes at the initial election. Two trustees shall be
8 designated to serve a term expiring on the first day of
9 January which is not a Sunday or legal holiday following the
10 next general election, two trustees to serve a term expiring
11 on the first day of January which is not a Sunday or legal
12 holiday two years later, and one to serve a term expiring on
13 the first day of January which is not a Sunday or holiday four
14 years later. Thereafter, each term shall be for a term of
15 years established by the board of supervisors, not less than
16 three years or more than six years. Successors shall be
17 chosen by election. After the initial election, a candidate
18 for office of trustee shall be nominated by a personal
19 affidavit of the candidate or by petition of at least ten
20 eligible electors of the district and the candidate's personal
21 affidavit, which shall be filed with the commissioner of
22 county elections at least sixty-nine days before the date of
23 the general election. The form of the candidate's affidavit
24 shall be substantially as provided in section 45.3.

25 NEW UNNUMBERED PARAGRAPH. Upon request of a three-member
26 board of trustees or petition of at least one hundred eligible
27 electors residing in the district filed at least ninety days
28 before the next general election, the board of supervisors
29 shall provide for the election of a five-member board of
30 trustees with staggered terms of office of not more than six
31 years. The five-member board of trustees shall become
32 effective on the first day of January which is not a Sunday or
33 legal holiday after that general election. The board of
34 trustees or a petition of at least one hundred eligible
35 electors may also request the board of supervisors to

1 implement a plan to reduce the number of trustees from five to
2 three. The board of supervisors shall allow incumbent
3 trustees to serve their unexpired terms of office.

4 EXPLANATION

5 This bill provides procedures for selecting a five-member
6 board of trustees for a sanitary district and increasing the
7 number of members of a board of trustees of a sanitary
8 district from three to five. Currently, the sanitary district
9 has three-member boards of trustees.

10 This bill authorizes the board of supervisors to create a
11 five-member board originally if requested by the initial
12 petition or to increase the size of the board of trustees from
13 three to five if requested by the board of trustees or
14 petitioned by at least 100 eligible electors of the district.
15 The board of supervisors provides for the election of
16 additional members at the next general election and
17 establishes staggered terms of office which do not exceed six
18 years. The bill also provides similar procedures to reduce
19 the membership of a board of trustees from five to three. The
20 board of supervisors must allow incumbents to serve out their
21 unexpired terms.

22
23
24
25
26
27
28
29
30
31
32
33
34
35

*Substituted for
SF 2253 3/14/94*

HOUSE FILE 2199
BY GREIG, BLODGETT, and
MAY

(P. 443)

(As Amended and Passed by the House March 7, 1994)

Passed House, ^(P445) Date 3-7-94 Passed Senate, ^(P. 875) Date 3/28/94
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved April 8, 1994

A BILL FOR

1 An Act relating to the number and election of sanitary district
2 trustees.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

House Amendments _____

1 Section 1. Section 358.9, Code Supplement 1993, is amended
2 by adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. If the petition to establish a
4 sanitary district requests a board of trustees of five
5 members, the board of supervisors shall select five trustees
6 from among the seven persons receiving the highest number of
7 votes at the initial election. Two trustees shall be
8 designated to serve a term expiring on the first day of
9 January which is not a Sunday or legal holiday following the
10 next general election, two trustees to serve a term expiring
11 on the first day of January which is not a Sunday or legal
12 holiday two years later, and one to serve a term expiring on
13 the first day of January which is not a Sunday or holiday four
14 years later. Thereafter, each term shall be for a term of
15 years established by the board of supervisors, not less than
16 three years or more than six years. Successors to a five-
17 member board selected under this paragraph shall be chosen by
18 election and after the initial election, a candidate for
19 office of trustee shall be nominated by a personal affidavit
20 of the candidate or by petition of at least ten eligible
21 electors of the district and the candidate's personal
22 affidavit, which shall be filed with the commissioner of
23 county elections at least sixty-nine days before the date of
24 the general election. The form of the candidate's affidavit
25 shall be substantially as provided in section 45.3.

26 NEW UNNUMBERED PARAGRAPH. Upon request of a three-member
27 board of trustees or petition of the number of eligible
28 electors of the district equal to at least five percent of the
29 residents of the district filed at least ninety days before
30 the next general election, the board of supervisors shall
31 provide for the election of a five-member board of trustees
32 with staggered terms of office of not more than six years.
33 The five-member board of trustees shall become effective on
34 the first day of January which is not a Sunday or legal
35 holiday after that general election. The board of trustees or

1 a petition of the number of eligible electors of the district
2 equal to at least five percent of the residents of the
3 district may also request the board of supervisors to
4 implement a plan to reduce the number of trustees from five to
5 three. The board of supervisors shall allow incumbent
6 trustees to serve their unexpired terms of office.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2199

AN ACT

RELATING TO THE NUMBER AND ELECTION OF SANITARY DISTRICT TRUSTEES.

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

Section 1. Section 358.9, Code Supplement 1993, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If the petition to establish a sanitary district requests a board of trustees of five members, the board of supervisors shall select five trustees from among the seven persons receiving the highest number of votes at the initial election. Two 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, two trustees 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 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 a five-member board selected under this paragraph shall be chosen by election and 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 commissioner of county elections at least sixty-nine days before the date of the general election. The form of the candidate's affidavit shall be substantially as provided in section 45.3.

NEW UNNUMBERED PARAGRAPH. Upon request of a three-member board of trustees or petition of the number of eligible electors of the district equal to at least five percent of the residents of the district filed at least ninety days before

the next general election, the board of supervisors shall provide for the election of a five-member board of trustees with staggered terms of office of not more than six years. The five-member board of trustees shall become effective on the first day of January which is not a Sunday or legal holiday after that general election. The board of trustees or a petition of the number of eligible electors of the district equal to at least five percent of the residents of the district may also request the board of supervisors to implement a plan to reduce the number of trustees from five to three. The board of supervisors shall allow incumbent trustees to serve their unexpired terms of office.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2199, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 8, 1994

TERRY E. BRANSTAD
Governor