

Withdrawn
3/15/04

JAN 21 2004
LOCAL GOVERNMENT

HOUSE FILE 2053
BY WILDERDYKE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the appointment of county solid waste
2 commissioners and providing a penalty.
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
- 24
- 25

HF 2053

1 Section 1. NEW SECTION. 455B.307B SOLID WASTE
2 COMMISSIONER.

3 1. For purposes of this section, "commissioner" means the
4 solid waste commissioner in a county.

5 2. The board of supervisors of each county may annually
6 appoint a solid waste commissioner for the county. The board
7 of supervisors may appoint the commissioner from
8 recommendations by the county board of health or may select a
9 person outside the recommendations made by the county board of
10 health. The board of supervisors shall appoint a person who
11 is a citizen of the United States, is of good moral character,
12 and has not previously been convicted of a felony.

13 3. A county solid waste commissioner shall take an oath of
14 office prescribed by the board of supervisors. A
15 commissioner's appointment shall be effective March 1 and
16 shall continue for a term at the discretion of the board of
17 supervisors.

18 4. A county solid waste commissioner, subject to direction
19 and control by the county board of supervisors, shall only be
20 empowered to enforce the provisions of sections 455B.307A and
21 455B.363 and local littering ordinances. A commissioner shall
22 not have the duty to enforce any other traffic or criminal
23 laws of the state, county, or a municipality. A commissioner
24 may enter upon any public land in the county, excluding land
25 within the limits of cities, unless otherwise authorized by a
26 city, at any time for the performance of the commissioner's
27 duties, and may hire the labor and equipment necessary subject
28 to the approval of the board of supervisors.

29 5. A person shall not willfully obstruct, resist, impede,
30 or interfere with a county solid waste commissioner in
31 connection with the commissioner's enforcement of sections
32 455B.307A and 455B.363 and local littering ordinances. A
33 person shall not willfully retaliate or discriminate in any
34 manner against a commissioner as a reprisal for any act or
35 omission of the commissioner. A person violating this

1 subsection is guilty of a simple misdemeanor.

2 EXPLANATION

3 This bill relates to solid waste commissioners.

4 The bill provides that the board of supervisors of each
5 county may annually appoint a solid waste commissioner. The
6 bill provides that the board of supervisors may appoint the
7 commissioner from recommendations by the county board of
8 health or may select a person outside the recommendations made
9 by the county board of health. The bill provides that the
10 board of supervisors shall appoint a person who is a citizen
11 of the United States, is of good moral character, and has not
12 previously been convicted of a felony.

13 The bill provides that a county solid waste commissioner
14 shall take an oath of office prescribed by the board of
15 supervisors. The bill provides that a commissioner's
16 appointment shall be effective March 1 and shall continue for
17 a term at the discretion of the board of supervisors.

18 The bill provides that a county solid waste commissioner
19 shall, subject to direction and control by the county board of
20 supervisors, only be empowered to enforce the provisions of
21 Code sections 455B.307A, relating to the discarding of solid
22 waste, and 455B.363, relating to litter, and local littering
23 ordinances. The bill provides that a commissioner shall not
24 have the duty to enforce any other traffic or criminal laws of
25 the state, county, or a municipality. The bill allows a
26 commissioner to enter upon any public land in the county,
27 excluding land within the limits of cities, unless otherwise
28 authorized by a city, at any time for the performance of the
29 commissioner's duties, and allows the commissioner to hire the
30 labor and equipment necessary subject to the approval of the
31 board of supervisors.

32 The bill provides that a person shall not willfully
33 obstruct, resist, impede, or interfere with a commissioner in
34 connection with the commissioner's enforcement of Code
35 sections 455B.307A and 455B.363 and local littering

1 ordinances. The bill provides that a person shall not
2 willfully retaliate or discriminate in any manner against a
3 commissioner as a reprisal for any act or omission of the
4 commissioner. The bill provides that a person violating these
5 provisions is guilty of a simple misdemeanor.

6
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