

CHAPTER 319

COMMERCE COMMISSION

H. F. 123

AN ACT to create an appointive commerce commission.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section thirty-nine point thirteen (39.13), Code 1958,
2 is hereby repealed. The terms of the presently elected commerce
3 commissioners and their successors to fill vacancies, if any, are hereby
4 extended through June 30, 1963. Within sixty (60) days after the
5 convening of the regular session of the general assembly in 1963 the
6 governor shall appoint, with approval of two-thirds ($\frac{2}{3}$) of the sen-
7 ate in executive session, successors for the commerce commissioners.
8 One (1) shall be appointed for a term beginning July 1, 1963 and
9 ending June 30, 1965, one (1) for a term beginning July 1, 1963 and
10 ending June 30, 1967, and one (1) for a term beginning July 1, 1963
11 and ending June 30, 1969.

1 SEC. 2. Section four hundred seventy-four point two (474.2),
2 Code 1958, is hereby repealed and the following enacted in lieu there-
3 of:

4 "The Iowa state commerce commission shall be composed of three
5 (3) members, not more than two (2) of whom shall be from the same
6 political party, and each commissioner appointed in or after 1965 shall
7 serve for six (6) years from July 1 of the year of his appointment.
8 Within sixty (60) days after the convening of each regular session of
9 the general assembly, beginning with the regular session in 1965, the
10 governor shall appoint, with the approval of two-thirds ($\frac{2}{3}$) of the
11 senate in executive session, a successor to the member of said com-
12 mission whose term will expire on July 1 following. Vacancies oc-
13 ccurring while the general assembly is in session shall be filled for the
14 unexpired portion of the term as full-term appointments are filled.
15 Vacancies occurring while the general assembly is not in session shall
16 be filled by the governor, but such appointments shall terminate at the
17 end of thirty (30) days after the convening of the next regular ses-
18 sion of the general assembly and the vacancy shall be filled for the
19 unexpired portion of the term as full-term appointments are filled.

20 "On the second Tuesday of July of each year, the commission shall
21 organize by electing one (1) of its members as chairman, and appoint-
22 ing a secretary, who shall take the same oath as the commissioners.
23 The commission may employ such additional clerical help as it may
24 find necessary."

Approved March 19, 1959.

CHAPTER 320

HIGHWAY-RAILROAD GRADE CROSSINGS

H. F. 157

AN ACT relating to the creation of a highway grade crossing safety fund and to amend chapter four hundred seventy-eight (478), Code 1958, relating to cattle guards, fences, crossings, and interlocking switches and the authority of the state commerce commission to allocate funds for the protection of the public in the use of highway railroad grade crossings.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. There is hereby created a fund which shall be known
2 as the highway grade crossing safety fund and shall be made up of
3 the amount allocated by the state treasurer from the road use tax
4 fund.

1 SEC. 2. Section four hundred seventy-eight point twenty-three
2 (478.23), Code 1958, is hereby amended by inserting after the period
3 in line fourteen (14) the following:
4 "In determining what portion of the expense shall be paid by each
5 party to such controversy the commission may consider the ratio of
6 the benefits accruing to the railroad and/or the governmental unit as
7 it bears to the general public use and benefit and such benefits shall
8 be consistent with the standards adopted for similar purposes by the
9 United States Bureau of Public Roads under the Federal Aid High-
10 way Act of 1944 as amended."

1 SEC. 3. Chapter four hundred seventy-eight (478), Code 1958, is
2 hereby amended by adding hereto a new section as follows:
3 "When application is before the state commerce commission, as
4 provided in section four hundred seventy-eight point twenty-two
5 (478.22) of the Code, and after hearing has been held, and deter-
6 mination as to allocation of costs as provided in section four hundred
7 seventy-eight point twenty-three (478.23) of the Code, the state com-
8 merce commission is hereby empowered to allocate proceeds from the
9 highway grading crossing safety fund for the protection of the public
10 in the use of the highway railroad grade crossings involved in the
11 application, in addition to any portion of the cost to be paid by the
12 railroad company or other public authority. Upon reaching a decision
13 as to the amount to be allocated from the highway grade crossing
14 safety fund, the commission shall forthwith direct the treasurer of
15 state to distribute said amount from the funds then available in the
16 highway grade crossing safety fund. Provided, however, the state
17 commerce commission may not allocate any part of the proceeds of
18 the highway grade crossing safety fund for improvement or construc-
19 tion of highway-railroad grade crossings located on federal or federal-
20 aid highways."

Approved April 7, 1959.