

CHAPTER 228

SOLID WASTE DISPOSAL

S. F. 419

AN ACT relating to the planning and implementation of resource recovery systems.

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

1 SECTION 1. Section four hundred fifty-five B point seventy-five
2 (455B.75), Code 1975, is amended by adding the following new subsec-
3 tion:

4 NEW SUBSECTION. "Resource recovery system" means the recovery
5 and separation of ferrous metals and nonferrous metals and glass and
6 aluminum and the preparation and burning of solid waste as fuel for
7 the production of electricity.

1 SEC. 2. Section four hundred fifty-five B point eighty (455B.80),
2 Code 1975, is amended to read as follows:

3 **455B.80 Plans filed.** Every city, county and every private agen-
4 cy operating or planning to operate a sanitary disposal project shall
5 file with the executive director a plan detailing the method by which
6 the city, county or private agency will comply with the provisions of
7 this part 1 of division IV. The executive director shall review each plan
8 submitted and may reject, suggest modification, or approve the pro-
9 posed plan. The executive director shall aid in the development of
10 plans for compliance with the provisions of said part. The executive di-
11 rector shall make available to each city, county and private agency ap-
12 propriate forms for the submission of plans and may hold hearings for
13 the purpose of implementing the provisions of said part. *The executive*
14 *director and governmental agencies with primary responsibility for*
15 *the development and conservation of energy resources shall provide*
16 *research and assistance, when cities and counties operating or plan-*
17 *ning to operate sanitary disposal projects request aid in planning*
18 *and implementing resource recovery systems.*

Approved June 3, 1975

CHAPTER 229

SOIL CONSERVATION

H. F. 54

AN ACT changing the manner of election of soil conservation district commissioners, and relating to the statutory provisions for establishment of soil conservation districts and for filling certain nonpartisan offices at the general election.

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

1 SECTION 1. Section four hundred sixty-seven A point three (467A.3),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. "District" or "soil conservation district" means a governmental
4 subdivision of this state, and a public body corporate and politic, orga-
5 nized ~~in accordance with the provisions of this chapter~~, for the pur-
6 poses, with the powers, and subject to the restrictions hereinafter set
7 forth.

1 SEC. 2. Section four hundred sixty-seven A point four (467A.4), sub-
2 section four (4), paragraphs a, b, c, e and f, Code 1975, are amended to
3 read as follows:

4 a. To offer such assistance as may be appropriate to the commission-
5 ers of soil conservation districts, ~~organized as provided hereinafter, and~~
6 ~~in the carrying out of any of their powers and programs.~~

7 b. To keep the commissioners of each of the several districts ~~orga-~~
8 ~~nized under the provisions of this chapter~~ informed of the activities
9 and experience of all other districts ~~organized hereunder~~, and to facili-
10 tate an interchange of advice and experience between such districts and
11 cooperation between them.

12 c. To co-ordinate the programs of the several soil conservation dis-
13 tricts ~~organized hereunder~~ so far as this may be done by advice and
14 consultation.

15 e. To disseminate information throughout the state concerning the
16 activities and program of the soil conservation districts ~~organized here-~~
17 ~~under, and to encourage the formation of such districts in areas where~~
18 ~~their organization is desirable.~~

19 f. To render financial aid and assistance to soil conservation districts
20 ~~organized hereunder~~ for the purpose of carrying out the policy stated
21 in this chapter.

1 SEC. 3. Section four hundred sixty-seven A point five (467A.5),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **467A.5 Soil conservation districts.**

5 1. The one hundred soil conservation districts established in the
6 manner which was prescribed by law prior to July 1, 1975 shall contin-
7 ue in existence with the boundaries and the names in effect on July 1,
8 1975. If the existence of any district so established is discontinued pur-
9 suant to section four hundred sixty-seven A point ten (467A.10) of the
10 Code, a petition for reestablishment of the district or for annexation of
11 the former district's territory to any other abutting district may be sub-
12 mitted to, and shall be acted upon by, the state soil conservation com-
13 mittee in substantially the manner provided by section four hundred
14 sixty-seven A point five (467A.5) Code 1975.

15 2. The governing body of each district shall consist of five commis-
16 sioners elected on a nonpartisan basis for staggered six-year terms com-
17 mencing on the first day of January that is not a Sunday or holiday
18 following their election. Any eligible elector residing in the district is
19 eligible to the office of commissioner, except that no more than one
20 commissioner shall at any one time be a resident of any one township.
21 A vacancy is created in the office of any commissioner who changes his
22 residence into a township where another commissioner then resides. A
23 vacancy in the office of commissioner shall be filled by appointment of
24 the state soil conservation committee until the next succeeding general
25 election, at which time the balance of the unexpired term shall be
26 filled as provided by section sixty-nine point twelve (69.12) of the
27 Code.

28 3. At each general election a successor shall be chosen for each com-
29 missioner whose term will expire in the succeeding January. Nomina-
30 tion of candidates for the office of commissioner shall be made by
31 petition in accordance with chapter forty-five (45) of the Code, except
32 that each candidate's nominating petition shall be signed by at least
33 twenty-five eligible electors of the district. The petition form shall be
34 furnished by the county commissioner of elections. Every candidate
35 shall file with the nomination papers an affidavit stating his name, his

36 residence, that he is a candidate and is eligible for the office of com-
 37 missioner, and that if elected he will qualify for the office. An eligible
 38 elector shall not in any one year sign the nominating petitions of a
 39 number of candidates greater than the number of commissioners to be
 40 elected in that year. The signed petitions shall be filed with the county
 41 commissioner of elections not later than five o'clock p.m. on the fifty-
 42 fifth day prior to the general election. The votes for the office of dis-
 43 trict commissioner shall be canvassed in the same manner as the votes
 44 for county officers, and the returns shall be certified to the commis-
 45 sioners of the district. A plurality shall be sufficient to elect commis-
 46 sioners, and no primary election for the office shall be held. If the
 47 canvass shows that the two candidates receiving the highest and the
 48 second highest number of votes for the office of district commissioner
 49 are both residents of the same township, the board shall certify as
 50 elected the candidate who received the highest number of votes for the
 51 office and the candidate receiving the next highest number of votes for
 52 the office who is not a resident of the same township as the candidate
 53 receiving the highest number of votes.

54 4. This subsection shall apply during the period of transition from
 55 the former method of electing district commissioners to that prescribed
 56 by this Act, which is the period from July 1, 1975 until December 31,
 57 1982, and the subsection shall not appear in any edition of the Code
 58 published after July 1, 1982.

59 a. Each commissioner elected to office for a term of six years which
 60 commenced after January 1, 1975, or who is serving a term which, ex-
 61 cept for this Act, would have expired after July 1, 1975 but not later
 62 than December 31, 1976 shall hold office until noon on the first day of
 63 January, 1977 that is not a Sunday or holiday, and a successor shall be
 64 elected at the general election in 1976. However, if a commissioner
 65 elected for a term of six years which commenced after January 1, 1975
 66 certifies in writing to the state soil conservation committee that he is
 67 willing and anticipates being able to serve until noon on the first day
 68 of January, 1983 that is not a Sunday or holiday, his term shall be ex-
 69 tended to that date and a successor shall be elected at the general elec-
 70 tion in 1982.

71 b. Each commissioner serving a term which, except for this Act,
 72 would have expired after January 1, 1977 but not later than December
 73 31, 1978 shall hold office until noon on the first day of January, 1979
 74 that is not a Sunday or holiday, and a successor shall be elected at the
 75 general election in 1978.

76 c. Each commissioner serving a term which, except for this Act,
 77 would have expired after January 1, 1979 but not later than December
 78 31, 1980 shall hold office until noon on the first day of January, 1981
 79 that is not a Sunday or holiday, and a successor shall be elected at the
 80 general election in 1980.

1 SEC. 4. Section four hundred sixty-seven A point six (467A.6), un-
 2 numbered paragraph one (1), Code 1975, is amended by striking the
 3 unnumbered paragraph and inserting in lieu thereof the following:

4 The commissioners of each soil conservation district shall convene on
 5 the first day of January that is not a Sunday or holiday in each odd-
 6 numbered year. Those commissioners whose term of office begins on
 7 that day shall take the oath of office prescribed by section sixty-three
 8 point ten (63.10) of the Code. The commissioners shall then organize
 9 by election of a chairman and a vice chairman.

1 SEC. 5. Chapter thirty-nine (39), Code 1975, is amended by adding
 2 the following new section:

- 3 NEW SECTION. **General election—nonpartisan offices.** There shall
 4 be elected at each general election, on a nonpartisan basis, the follow-
 5 ing officers:
 6 1. Regional library trustees as required by section* three hundred
 7 three B (303B) of the Code.
 8 2. County public hospital trustees as required by section three
 9 hundred forty-seven point twenty-five (347.25) of the Code.
 10 3. Soil conservation district commissioners as required by section
 11 four hundred sixty-seven A point five (467A.5) of the Code.

Approved April 28, 1975

*According to enrolled Act

CHAPTER 230

CATWALKS ON RAILWAY BRIDGES

H. F. 205

AN ACT requiring any person operating a railroad in this state to construct and maintain catwalks and handrails on railway bridges and trestles.

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

- 1 SECTION 1. Chapter four hundred seventy-four (474), Code 1975, is
 2 amended by adding the following new section:
 3 NEW SECTION. **Catwalks and handrails.** Any person operating a
 4 railroad in this state shall construct and maintain in good repair a cat-
 5 walk and handrail on at least one side of every railway bridge and tres-
 6 tle which shall be constructed, or the structure of which is renovated in
 7 any manner, after January 1, 1976. The catwalk and handrail shall ex-
 8 tend the length of the bridge or trestle.

Approved March 14, 1975

CHAPTER 231

RAILROAD ASSISTANCE

H. F. 433

AN ACT relating to the establishment and administration of a railroad assistance fund for improvement of branch line railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way.

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

- 1 SECTION 1. NEW SECTION. **Railroad assistance fund estab-**
 2 **lished.** There is established a railroad assistance fund in the office of
 3 the treasurer of state. Moneys in this fund shall be expended for pro-
 4 viding assistance to railroads for upgrading railroad roadbeds, track,
 5 track structure, and other appurtenances of railroad right-of-way of