

CHAPTER 106
ROAD CONSTRUCTION AND SOIL CONSERVATION
H.F. 514

AN ACT to require highway authorities to submit annual road construction programs to county soil conservation district commissioners for review and recommendations relating to soil erosion controls and drainage controls.

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

Section 1. Sections 2 through 6 of this Act shall be codified as a new division of chapter 306.

Sec. 2. NEW SECTION. 306.50 CONSTRUCTION PROGRAM NOTICE.

The appropriate highway authority shall provide copies of its annual construction program to the soil conservation district commissioner's office in each county. The soil conservation district commissioner's office shall review the construction program submitted by each highway authority to determine those projects which may impact upon soil erosion and water diversion or retention.

Sec. 3. NEW SECTION. 306.51 SOIL EROSION IMPACT.

The soil conservation district commissioners shall, within thirty days after receipt of the construction program, notify the appropriate highway authority of the projects which will impact upon soil erosion and water drainage and request that the appropriate highway authority notify them of the date, time, and place for holding the design hearing on preliminary plans.

Sec. 4. NEW SECTION. 306.52 REVIEW OF PLANS.

Upon examining the preliminary plans on a road project, the soil conservation district commissioners may review each road project for which a drainage structure is required. The soil conservation commissioners shall ascertain whether or not the proposed erosion control or runoff control structure is suitable to reduce the velocity of runoff, reduce gully erosion, or provide for sedimentation or other improvement that would enhance soil conservation. The soil conservation commissioners shall also ascertain whether any other aspect of the road construction will affect soil conservation.

Sec. 5. NEW SECTION. 306.53 SUBMISSION OF RECOMMENDATIONS.

The soil conservation district commissioners shall submit their findings and recommendations to the appropriate highway authority not later than twenty days following examination of the construction plans.

The appropriate highway authority shall respond to the soil conservation district commissioners and indicate their agreement to the suggested installation or their rejection of the proposal.

Where feasible and cost-sharing funds are available, the soil conservation district may contribute in part or in its entirety to any additional cost for the erosion control structure.

Sec. 6. NEW SECTION. 306.54 REPORTING.

If the proposal is rejected, the appropriate highway authority shall provide a written report documenting the reason for the rejection to the soil conservation district commissioners and

the state department of transportation. The state department of transportation shall submit a written report to the general assembly not later than March 1 of each year. The report shall contain only a list of those highway projects where a disagreement exists between the department and the soil conservation district commissioners and the reasons for rejecting the recommendations of the soil conservation district commissioners. The report shall be filed with the secretary of the senate and the chief clerk of the house of representatives.

Sec. 7. This Act takes effect for construction projects which are approved on or after April 1, 1986.

Approved May 14, 1985

CHAPTER 107
CITY COUNCIL SPECIAL ELECTIONS
H.F. 537

AN ACT relating to special elections to fill vacancies in city councils.

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

Section 1. Section 372.13, subsection 2, paragraph b, Code 1985, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. A special election held under this subsection is subject to neither a primary election nor runoff, even if such an election is required when the office in question is filled at a regular city election, and the candidate receiving a plurality of the vote is elected. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called.

Approved May 14, 1985