

CHAPTER 1204**WATER AND SANITARY DISTRICTS, BACKFLOW ASSEMBLY TESTERS,
AND OTHER PROVISIONS***S.F. 2254*

AN ACT relating to special land use districts and to the establishment of a certification program for backflow assembly testers, the creation of a combined water and sanitary district and a department of public works, providing for a governing board, providing penalties, and providing for other properly related matters and providing an effective date.

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

Section 1. **NEW SECTION. 135K.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Approved course" means a course covering the testing and repair of backflow prevention assemblies which has been approved by the department.
2. "Backflow prevention assembly" means a device or means to prevent backflow into the potable water system.
3. "Department" means the Iowa department of public health.
4. "Registered backflow prevention assembly tester" means a person who has successfully completed an approved course and has registered with the department.

Sec. 2. **NEW SECTION. 135K.2 APPLICABILITY.**

This chapter applies to all persons who test or repair backflow prevention assemblies.

Sec. 3. **NEW SECTION. 135K.3 REGISTRATION AND APPROVAL REQUIRED.**

A person shall not test or repair backflow prevention assemblies without first having registered with and having been approved by the department.

Sec. 4. **NEW SECTION. 135K.4 POWERS AND DUTIES.**

The department shall adopt rules in accordance with chapter 17A, which provide for all of the following:

1. The establishment of minimum qualifications for registered backflow prevention assembly testers.
2. The establishment of minimum standards for approved courses.
3. The establishment and collection of fees to defray the cost of administering this chapter.
4. The provision of a listing of registered backflow prevention assembly testers to local health officials.
5. The administration and enforcement of this chapter.

Sec. 5. **NEW SECTION. 135K.5 PENALTY.**

A person who violates this chapter is guilty of a simple misdemeanor.

Sec. 6. **NEW SECTION. 135K.6 ENFORCEMENT.**

1. The department shall investigate complaints regarding backflow prevention assembly testers. If the department determines that a provision of this chapter regarding the requirements for a backflow prevention assembly tester has been violated, the department may order a person not to test or repair backflow prevention assemblies or may revoke the registration of a registered backflow prevention assembly tester until the necessary corrective action has been taken.

2. The department shall investigate complaints regarding courses covering the testing and repair of backflow prevention assemblies. If the department determines that a provision of this chapter regarding approved courses has been violated, the department may revoke the approval of a course until the necessary corrective action has been taken.

Sec. 7. Section 303.34, unnumbered paragraph 2, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 8. Section 331.301, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 14. The county may establish a department of public works. The department shall be administered by the county engineer or other person appointed by the board of supervisors. In addition to other duties assigned by the board, the department shall provide technical assistance to political subdivisions in the county including special districts relating to their physical infrastructure and may provide managerial and administrative services for special districts and combined special districts.

Sec. 9. Section 357.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The board of supervisors of any county shall, on the petition of twenty-five percent of the ~~resident property owners or more of the eligible electors residing~~ in any proposed benefited water district, grant a hearing relative to the establishment of ~~such~~ the proposed water district; ~~such~~. The petition shall set out the following and any other pertinent facts:

Sec. 10. **NEW SECTION. 357.1A COMBINED WATER AND SANITARY DISTRICT.**

1. Upon receipt of a petition having the required signatories as provided in section 357.1 or 358.2, the board of supervisors shall grant a hearing relative to the establishment of a proposed combined water and sanitary district. The petition shall include the information required in sections 357.1 and 358.2 for proposed water districts and sanitary districts. The board of supervisors of the county in which the proposed combined district or largest part of the proposed combined district is located, shall have jurisdiction of the proceedings on the petition and the decision of a majority of the members of that board of supervisors is necessary for adoption. The orders of the board of supervisors made pursuant to this chapter and chapter 358 relating to the proposed combined district shall be kept as official records, but the records need not be published under section 349.16. An existing district may petition the board of supervisors to establish a combined water and sanitary district after the approval of a majority of the district electorate.

2. The board of supervisors having jurisdiction to establish the proposed combined water and sanitary district may proceed with its establishment under this chapter or chapter 358 in the same manner as a benefited water district or a sanitary district is separately established under those chapters. The differences between this chapter and chapter 358 including, but not limited to, the membership of the board of trustees, per diem, and maximum annual per diem, or a power or duty relating to rents, fees, taxation, or bonded indebtedness shall be resolved as a part of the petition submitted to the board of supervisors. Before becoming effective, a change in the membership, per diem, maximum annual per diem, or a power or duty relating to rents, fees, the levy of a tax, or the issuance of bonds, or other differences specified on the petition shall be submitted for the approval of the district electorate. However, the number of members, per diem, maximum annual per diem, or differences in powers and duties included in a combined district shall not be inconsistent with this chapter or chapter 358.

3. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under this chapter and chapter 358, the term "benefited water district" includes combined water and sanitary district where applicable.

4. Water services and a water service plan prepared by the combined district are subject to approval by an affected city as provided in section 357.1.

Sec. 11. Section 357.2, Code 1991, is amended to read as follows:

357.2 TERRITORY INCLUDED.

The benefited water district may include part or all of any incorporated city or cities, together with or without ~~surrounding~~ contiguous or noncontiguous territory including cemeteries and all publicly owned land. ~~Said~~ The publicly owned property shall pay and bear its proportionate share of the cost and expense of ~~said~~ the water system upon the same basis as privately owned property.

Sec. 12. Section 357.4, Code 1991, is amended to read as follows:

357.4 PUBLIC HEARING.

When the board of supervisors receives a petition for the establishment of a benefited water district, a public hearing shall be held within ~~twenty~~ thirty days of the presentation of the petition. Notice of ~~such~~ the hearing shall be given by posting bills in three public places within the district, or by publication in two successive issues of any paper of general circulation within the district. The last publication or posting shall be not less than one week before the proposed hearing as provided in section 331.305.

Sec. 13. Section 357.12, Code 1991, is amended to read as follows:

357.12 ELECTION.

When the preliminary design and assessment have been approved by the board of supervisors, a date not more than thirty days after ~~such~~ the approval shall be set for an election within the district to determine whether or not the proposed improvement shall be constructed and to choose candidates for the offices of trustee within the district. The proposal to approve or disapprove the improvement and the selection of candidates for trustees shall be presented at the same election. Notice of the election, including the time and place of holding the ~~same~~ election, shall be given in the same manner as for the public hearing ~~heretofore~~ provided for in section 357.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon, and any qualified elector residing within the district at the time of the election ~~shall be entitled to~~ may vote. ~~It shall not be mandatory for the~~ The county commissioner of elections ~~to shall~~ conduct elections held pursuant to this chapter, ~~but they and the elections~~ shall be conducted in accordance with the provisions of chapter 49 where those procedures are not in conflict with this chapter. ~~Judges will~~ Precinct election officials shall be appointed to serve without pay, by the ~~board of supervisors~~ commissioner of elections, from among the qualified electors of the district ~~who will have charge of the election.~~ The proposition shall be deemed to have carried if a majority of those voting ~~thereon~~ vote on the proposition votes in favor of the ~~same~~ it.

Sec. 14. Section 357.13, Code Supplement 1991, is amended to read as follows:

357.13 TRUSTEES — QUALIFICATION AND TERMS.

1. At the initial election provided for in section 357.12, the names of the trustees shall be written by the voter on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district, one to serve for one year, one for two years, and one for three years, ~~which.~~ The trustees and their successors shall give bond in the amount the board of supervisors may require, the premium of which shall be paid by the district which the trustees represent. Vacancies during a term may ~~thereafter~~ be filled by election, or by appointment by the board of supervisors, at the option of the remaining trustees. The trustees must be residents of the district. The term of succeeding trustees shall be for three years.

2. After the initial board of trustees is selected, a candidate for 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 affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.3.

Sec. 15. Section 358.1, Code 1991, is amended to read as follows:

358.1 INCORPORATION.

~~Whenever any~~ If an area of contiguous territory is so situated that the construction, maintenance, and operation of a trunk sewer system and of a plant or plants for the treatment of sewage and the maintenance of one or more outlets for the drainage ~~thereof~~ of it, after having been so treated ~~by and through such plant or plants,~~ will be conducive to the public health, comfort, convenience, or welfare, ~~such~~ the area may be incorporated as a sanitary district in the manner set forth in this chapter. Areas of contiguous or noncontiguous territory may be incorporated in a sanitary district.

Sec. 16. NEW SECTION. 358.1A COMBINED WATER AND SANITARY DISTRICT.

1. The board of supervisors of a county or major part of a county in which a proposed combined water and sanitary district will be located, may proceed with the establishment, operation, or dissolution of a combined water and sanitary district as provided in section 357.1A.

2. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under chapter 357 and this chapter, the term "sanitary district" includes combined water and sanitary district where applicable.

Sec. 17. Section 358.6, Code 1991, is amended to read as follows:

358.6 NOTICE OF ELECTION.

In its order for ~~such~~ the election the board of supervisors shall direct the county auditor with whom said commissioner of elections of the county in which the petition is filed to cause notice of ~~such~~ the election to be given by posting at least five copies of such notice in public places in ~~such~~ proposed district at least twenty ~~thirty~~ days before the date of election and by publication of ~~such~~ the notice once each week for three consecutive weeks in some newspaper of general circulation published in ~~such~~ proposed district, or, if no such paper is published within the proposed district, then in such a newspaper published in the county in which the major part of such proposed district is located, the last publication to be at least twenty days prior to the date of election as provided in section 331.305. ~~Such~~ The notice shall state the time and place of holding the election and the hours when the polls will open and close, the purpose of the election, with the name of ~~such~~ the proposed sanitary district and a description of the boundaries thereof of it, and shall set forth briefly the limits of each voting precinct and the location of the polling places therein. Proof of ~~posting~~ and publication shall be made in the manner provided in section 358.4 and filed with the county auditor.

Sec. 18. Section 358.8, Code 1991, is amended to read as follows:

358.8 EXPENSES AND COSTS OF ELECTION.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out the foregoing sections of this chapter, together with the costs of the election therein provided for, as determined by the board of supervisors county commissioner of elections, shall be paid by those who will be benefited by the proposed sanitary district. If the district is not established, the expenses and costs shall be collected upon the bond or bonds of the petitioners.

Sec. 19. Section 358.9, unnumbered paragraph 1, Code 1991, is amended to read as follows:

At the election provided for in section 358.7, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the 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, one 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 legal 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 the initial trustees ~~may~~ shall be chosen by appointment by the same board or boards of supervisors which made the initial appointments or by election, at the option of the remaining trustees. If election is chosen, a successor shall be elected at the general election preceding the expiration of the term to be filled. 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 county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.3.

Sec. 20. Section 358.9, unnumbered paragraph 4, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 21. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 1992

CHAPTER 1205
COSMETOLOGY ARTS AND SCIENCES
S.F. 2353

AN ACT relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees.

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

Section 1. Section 157.1, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

157.1 DEFINITIONS.

For purposes of this chapter:

1. "Board" means the board of cosmetology arts and sciences examiners.
2. "Cosmetologist" means a person who performs the practice of cosmetology, or otherwise by the person's occupation claims to have knowledge or skill particular to the practice of cosmetology. Cosmetologists shall not represent themselves to the public as being primarily in the practice of haircutting unless that function is, in fact, their primary specialty.
3. "Cosmetology" means all of the following practices:
 - a. Arranging, dressing, curling, waving, shampooing, cutting, singeing, bleaching, coloring, or similar works, upon the hair of any person; or upon a wig or hairpiece when done in conjunction with haircutting or hairstyling by any means.
 - b. Massaging, cleansing, stimulating, exercising, beautifying, or similar techniques upon the scalp, face, neck, arms, hands, or upper part of the body of any person with the hands or mechanical or electrical apparatus or appliances or with the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or other preparations.
 - c. Manicuring the nails of any person.
 - d. Electrology.
 - e. Esthetics.
 - f. Nail technology.
4. "Cosmetology arts and sciences" means any or all of the following practices, performed with or without compensation by a licensee:
 - a. Cosmetology.
 - b. Electrology.
 - c. Esthetics.
 - d. Nail technology.
5. "Department" means the Iowa department of public health.
6. "Electrologist" means a person who performs the practice of electrology.
7. "Electrology" means the removal of superfluous hair of a person by the use of an electric needle or other electronic process.
8. "Esthetician" means a person who performs the practice of esthetics.