

CHAPTER 150
DRAINAGE AND LEVEE DISTRICTS
H. F. 73

AN ACT relating to repairs and improvements in drainage and levee districts.

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

Section 1. Section 455.135, subsections 1, 2 and 4, Code 1981, are amended to read as follows:

1. When any levee or drainage district ~~shall have~~ has been established and the improvement constructed, the ~~same improvement~~ shall be at all times under the supervision of the board of supervisors except as otherwise provided for control and management by a board of trustees and ~~it shall be the duty of~~ the board ~~to~~ shall keep the ~~same improvement~~ in repair as provided ~~herein~~ in this section.

a. The board at any time on its own motion, without notice, may order done whatever is necessary to restore or maintain a drainage or levee improvement in its original efficiency or capacity, and for that purpose may remove silt and debris, repair any damaged structures, remove weeds and other vegetable growth, and whatever else may be needed to restore or maintain such efficiency or capacity or to prolong its useful life. ~~in the event~~

b. The board may at any time obtain an engineer's report regarding the most feasible means of repairing a drainage or levee improvement and the probable cost of making the repair. If the engineer advises, or the board otherwise concludes that permanent restoration of a damaged structure is not feasible at the time, the board may order such temporary construction as it deems necessary to the continued functioning of the improvement. If in maintaining and repairing tile lines the board finds from the an engineer's report it is more economical to construct a new line than to repair the existing line, such the new line may be considered to be a repair.

c. If the estimated cost of any repair exceeds ten thousand dollars, or seventy-five percent of the original total cost of the district and subsequent improvements therein, whichever is the greater amount, the board shall set a date for a hearing on the matter of making such the proposed repairs, and shall give notice as provided in sections 455.20 to 455.24. If a hearing is required and the estimated cost of the repair exceeds twenty-five thousand dollars, an engineer's report or a report from the soil conservation district conservator shall be presented at the hearing. The board shall not divide proposed repairs into separate programs in order to avoid the notice and hearing requirements of this paragraph. At such the hearing the board shall hear objections to the feasibility of such the proposed repairs, and following the hearing the board shall order made-such that the repairs as it deems desirable and feasible be made. Any interested party shall have the right of appeal from such orders in the manner provided in this chapter.

d. The right of remonstrance ~~shall~~ does not apply to repairs as defined in this section.

2. In the case of minor repairs, or in the eradication of brush and weeds along the open ditches, not in excess of ~~one~~ five thousand dollars where the board finds that ~~the same will result in~~ a saving to the district will result it may cause the ~~same~~ repairs or eradication to be done by secondary road equipment, or weed fund equipment, and labor of the county and then reimburse the secondary road fund or the weed fund from the fund of the drainage district thus benefited.

4. For the purpose of this subsection, an "improvement" in a drainage or levee district in which any ditch, tile drain or other facility has previously been constructed is a project intended to expand, enlarge or otherwise increase the capacity of any existing ditch, drain or other facility above that for which it was designed.

a. When the board determines that ~~improvements, which differ from the repairs referred to in the preceding paragraphs,~~ are necessary or desirable, it shall appoint an engineer to make ~~such~~ such surveys as seem appropriate to determine the nature and extent of ~~such the needed~~ such the needed improvements, and to file a report showing what improvements are recommended and their estimated costs, which report may be amended before final action. If the estimated cost of the improvements does not exceed five thousand dollars, or twenty-five percent of the original cost of the district and subsequent improvements therein, whichever is the greater amount, the board may order the work done without notice. The board shall not divide proposed improvements into separate programs in order to avoid the ~~twenty-five percent~~ twenty-five percent limitation ~~herein~~ fixed for making improvements without notice. If the board deems it desirable to make improvements where the estimated cost exceeds ~~twenty-five percent of the original total cost of the district and subsequent improvements therein~~ that limit, it shall set a date for a hearing on the matter of constructing ~~such the proposed~~ such the proposed improvements and also on the matter of whether there shall be a reclassification of benefits for the cost of ~~such the proposed~~ such the proposed improvements, and shall give notice as provided in sections 455.20 to 455.24. At ~~such the~~ such the hearing the board shall hear objections to the feasibility of ~~such the proposed~~ such the proposed improvements and ~~such~~ such arguments for or against a reclassification ~~as may be~~ presented by or for any taxpayer of the district. Following the hearing the board shall order ~~made such that the~~ made such that the improvements ~~as it deems desirable and feasible be made,~~ and shall also determine whether there should be a reclassification of benefits for the cost of ~~such improvement~~ such improvement improvements. If it is determined that ~~such a~~ such a reclassification of benefits should be made the board shall proceed as provided in section 455.45.

~~In the event that~~ b. If the estimated cost of the improvements as ~~contemplated in this section should exceed~~ defined in this subsection exceeds twenty thousand dollars, or the original cost of the district plus the cost of subsequent improvements in the district, whichever is the greater amount, a majority of the landowners, owning in the aggregate more than seventy percent of the total land in ~~said the~~ said the district, may file a written remonstrance against ~~said improvement~~ said improvement the proposed improvements, at or before

the time fixed for hearing on ~~said-improvement~~ the proposed improvements, with the county auditor, or auditors in case the district extends into more than one county. If ~~such a~~ a remonstrance is filed, the board shall discontinue and dismiss all further proceedings on ~~said--improvement~~ the proposed improvements and charge the costs incurred to date for ~~said~~ the proposed improvement improvements to the district. Any interested party ~~shall-have-the-right-of~~ may appeal from such orders in the manner provided in this chapter. ~~Provided,--however,--that--the--provisions--of~~ However, this section ~~shall~~ does not affect the procedures of section 455.142 covering the common outlet.

Approved March 26, 1981

CHAPTER 151
HAZARDOUS WASTE MANAGEMENT

S. F. 485

AN ACT relating to hazardous waste management, including new prohibited acts and providing penalties for violations.

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

Section 1. Section 455B.130, subsection 2, paragraph b, subparagraph (2), Code 1981, is amended by striking the subparagraph.

Sec. 2. Section 455B.133, subsection 3, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

3. When the commission amends a rule adopted under section 455B.131, subsection 2, identifying additional characteristics of hazardous waste or listing an additional substance as hazardous waste, the commission may require a person to file the notification required by subsection 1 or 2 of this section.

Sec. 3. Section 455B.135, subsections 1 and 2, Code 1981, are amended to read as follows:

1. For purposes of developing a rule, ~~or~~ conducting a study of hazardous waste management, compiling a site inventory, or enforcing sections 455B.130 to 455B.140, a person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous waste shall, upon request of the executive director, furnish ~~or~~ information relating to the hazardous waste and permit the executive director at reasonable times to have access to and copy records relating to the waste. For the purpose of developing a rule or enforcing sections 455B.130 to 455B.140, the executive director may:

a. Enter at reasonable times an establishment or other place ~~maintained by--a--person~~ where hazardous waste is or has been generated, stored, treated or disposed of, or a vehicle transporting hazardous waste.