

CHAPTER 59

LEVEE OR DRAINAGE DISTRICTS — STATE BENEFITS ASSESSMENT

S.F. 428

AN ACT relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

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

Section 1. Section 468.2, subsection 1, Code 2011, is amended to read as follows:

1. The drainage of surface waters from agricultural lands and all other lands, including state-owned lakes and wetlands, or the protection of such lands from overflow shall be presumed to be a public benefit and conducive to the public health, convenience, and welfare.

Sec. 2. Section 468.40, Code 2011, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When the land is a state-owned lake or state-owned wetland, the commissioners shall ascertain the benefits realized from removing excess water and shall not consider any benefit realized if the state-owned lake or state-owned wetland were drained or converted to another land use.

Sec. 3. Section 468.43, unnumbered paragraph 3, Code 2011, is amended to read as follows:

When state-owned land under the jurisdiction of the department of natural resources is situated within a levee or drainage district, the commissioners assessing benefits shall ascertain and return in their report the amount of benefits and the apportionment of costs and expenses to the land, and the board of supervisors shall assess the amount against the land. In estimating benefits to land which is a state-owned lake or state-owned wetland, the commissioners shall ascertain benefits as provided in section 468.40.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 14, 2011