

## A BILL FOR

An Act to amend the law as it appears in sections one thousand nine hundred eighty-nine-a two (1989-a2) as amended by chapter three hundred forty-four (344), acts of the Thirty-seventh General Assembly, chapter one hundred forty-one (141) acts of the Thirty-eighth General Assembly, and chapter two hundred six (206), acts of the Thirty-ninth General Assembly (C. C. 4837), one thousand nine hundred eighty-nine-a-twelve (1989-a12), one thousand nine hundred eighty-nine-a-twenty-one (1989-a21) as amended by chapter one hundred twenty-one (121), acts of the Thirty-eighth General Assembly, one thousand nine hundred eighty-nine-a-twenty-four (1989-a24), one thousand nine hundred eighty-nine-a twenty-five (1989-a25), one thousand nine hundred eighty-nine-a twenty-six (1989-a26) as amended by chapter three hundred forty-four (344), acts of the Thirty-seventh General Assembly, chapter two hundred seventy-one (271), acts of the Thirty-eighth General Assembly, one thousand nine hundred eighty-nine-a forty-one (1989-a41) as amended by chapter seventy-six (76), acts of the Thirty-eighth General Assembly, chapter one hundred thirty (130), acts of the Thirty-ninth General Assembly, one thousand nine hundred eighty-nine-a forty-eight (1989-a48), one thousand nine hundred eighty-nine-a seventy (1989-a70) of the supplemental supplement to the code 1915, by adding section one thousand nine hundred eighty-nine-b fourteen (1989-b14). Chapter two (2) title ten supplemental supplement to the code 1915, by adding section.

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

1 Section 1. That the law as it appears in section one  
2 thousand nine hundred eighty-nine-a two (1989-a2) of the  
3 supplement to the Code, 1913, as amended by chapter three  
4 hundred forty-four (344) acts of the Thirty-seventh General  
5 Assembly and chapter one hundred forty-one (141) acts of the  
6 Thirty-eighth General Assembly, and chapter two hundred six  
7 (206), acts of the Thirty-ninth General Assembly (C. C. 4837).

8 be amended as follows: In line 43, strike out the words  
9 “the elevation of all lakes, ponds and deep depressions in  
10 said district” and insert in lieu thereof, “From the field  
11 notes of such survey, make a topographical map showing  
12 necessary topographical features of the district to be  
13 established, the elevation above the datum plane of deep  
14 ponds and depressions and elevations of high land, and any  
15 other engineering data necessary for the design of the  
16 improvement and assessments of benefits, all interior water  
17 divides, suitable profiles, cross section sheets and other  
18 drawings necessary to show fully and definitely the character  
19 and dimensions of the proposed improvement; and complete  
20 specifications covering in detail the working materials to be  
21 provided for in the contract or contracts for construction.

22 In the case of open ditches and straightening of river  
23 channels a reference line shall be established in direct relation  
24 to which the location of the improvement is made. This reference  
25 line shall be tied to the nearest forty acre lines for permanence.”

1 Sec. 2. That the law as it appears in section one  
2 thousand nine hundred eighty-nine-a 12 (1989-a12) of the supplement  
3 to the code 1913, be amended as follows:

4 By striking out the period (.) in line twenty, following  
5 the word “supervisors” and insert a semi-colon (;) and the  
6 words: “which report shall show separately for each tract the  
7 classification, the percentages of benefit, and the apportion-  
8 ment of cost, for the main or mains and for the lateral system

9 that serves it.”

10 Also by adding in line twenty-three, after the words  
11 “in proportion thereto.” the following: “A report showing the  
12 classifications and percentages of benefit shall be filed with  
13 the county auditor, or auditors, before the letting of any  
14 construction contract and as soon as practicable after the  
15 letting of the first construction contract, or contracts, the  
16 benefit commission shall file a final report showing the assess-  
17 ment of cost against each tract for the construction of the main  
18 or mains and for the lateral system that serves it.”

19 Also by striking out in line forty-five the words “and  
20 shall bear interest at six per cent per annum from that date”  
21 and inserting in lieu thereof the words: “and all installments  
22 of tax shall be levied at that time, the sum of the assessments  
23 against each tract for the main and for the laterals being levied  
24 as a single tax, and unless otherwise provided by resolution by  
25 the board, all such tax shall bear interest at six per cent per  
26 annum from that date; when the board believes that the time  
27 necessary for the construction of the improvements will be two  
28 years or more they may, if they deem advisable, fix by resolution  
29 the times at which the assessments against the lands in the  
30 several lateral systems shall become due and payable and from  
31 which they shall bear interest as provided above.

32 Whenever such resolution shall have been passed the  
33 contract, or contracts, for the construction of each such lateral  
34 system shall include no work in another lateral system, but may

35 include any portion of the main or mains. The adoption of the  
36 above procedure shall not affect the issuance of bonds or  
37 improvement certificates or the right to pay under the “three  
38 payment” plan, except that the times of payment shall be based  
39 on the time fixed by the board at which the assessment shall  
40 become due and payable and from which they shall bear interest.”

1     Sec. 3. That the law as it appears in section one  
2 thousand nine hundred eighty-nine-a twenty-one (1989-a21) of  
3 the supplement to the code 1913, as amended by chapter one hundred  
4 twenty-one (121), acts of the Thirty-eighth General Assembly, be  
5 amended as follows: By striking out all of section up to and  
6 including the words “as hereinbefore provided” in line fifteen  
7 and insert in lieu thereof the following: “when any levee or  
8 drainage district shall have been established and the improvement  
9 constructed, the same shall at all times be under the supervision  
10 of the board of supervisors except as otherwise provided for  
11 control and management by a board of trustees or commissioners,  
12 and it shall be the duty of the board to keep the same in repair  
13 and for that purpose it may cause the ditches, drains and water-  
14 courses thereof to be enlarged, reopened, deepened, widened,  
15 straightened or lengthened or the location changed for better  
16 service or may cause any part thereof to be converted into a  
17 closed drain when considered for the best interest of the public.  
18 But when any such changes or repairs are to be made requiring  
19 additional land or costing a sum in excess of ten per cent (10%) of  
20 the original assessment, a time shall be fixed for final hearing

21 thereon and notice shall be given to all parties from whom any  
22 land shall be taken for right of way or whose assessments for  
23 the cost and expense of such changes, repairs and improvements  
24 will be increased in excess of ten per cent (10%) of the original  
25 assessment and thereafter the same proceedings shall be had as in  
26 the original establishment of the district, assessment of damages  
27 and benefits and apportionment of costs.

1 Sec. 4. That the law as it appears in section one thousand  
2 nine hundred eighty-nine-a twenty-five (1989-a25) of the supplement  
3 to the code 1913, be amended as follows: After the end of the  
4 paragraph insert the following: "but before the establishment of  
5 the new district, the board of supervisors shall make a levy to  
6 cover all the outstanding indebtedness of each of the old districts."

1 Sec. 5. That the law as it appears in section one thousand  
2 nine hundred eighty-nine-a twenty-four (1989-a24) of the supplement  
3 to the code 1913, be amended as follows: By striking out the section.

1 Sec. 6. That the law as it appears in section one thousand  
2 nine hundred eighty-nine-a twenty-six (1989-a26) of the supplement  
3 to the code 1913, as amended by chapter three hundred forty-four  
4 (344), acts of the Thirty-seventh General Assembly, chapter two  
5 hundred seventy-one (271), acts of the Thirty-eighth General Assembly,  
6 be amended as follows: By striking out the word "March" in line  
7 twenty-eight and inserting in lieu thereof the word "April."  
8 Also by striking out the word "may" in line thirty and inserting  
9 in lieu thereof the word "shall".

1 Sec. 7. That the law as it appears in section one thousand

2 nine hundred eighty-nine-a forty-one (1989-a41) of the supplement  
3 to the code 1913, as amended by chapter seventy-six (76), acts  
4 of the Thirty-eighth General Assembly, chapter one hundred thirty  
5 (130), acts of the Thirty-ninth General Assembly, be amended as  
6 follows: By striking out in line two thereof the words “per diem”  
7 and in lines five and six the words “not to exceed \$5.00 per day  
8 each”.

1 Sec. 8. That the law as it appears in section one thousand  
2 nine hundred eighty-nine-a forty-eight (1989-a48), of the supplement  
3 to the code 1913, be amended as follows: By striking out the words  
4 “are hereby authorized to” in line seven and inserting in lieu  
5 thereof the word “shall”.

1 Sec. 9. That the law as it appears in section one  
2 thousand nine hundred eighty-nine-a seventy (1989-a70) of the  
3 supplemental supplement to the code 1915, be amended as follows:  
4 By striking out the words “selection of”

5 Also by striking out all of the section commencing with  
6 the words “and may select” in line 3 and insert in lieu thereof  
7 the following: “The clerk of the board of trustees shall be  
8 a county auditor or deputy county auditor or the drainage  
9 of the county.”

1 Sec. 10. That the law as it appears in section one  
2 thousand nine hundred eighty-nine-b chapter two-b, title ten  
3 supplemental supplement to the code 1915, be amended by adding  
4 section one thousand nine hundred eighty-nine-b fourteen (1989-b14)  
5 as follows: “All procedure not herein provided for shall be as

6 outlined in chapter two, title ten, defining procedure in the  
7 case of original drainage districts.”

1     Sec. 11. That the law as it appears in chapter two,  
2 title ten of the supplement to the code 1913, be amended by  
3 adding the following: “The county auditor with the approval of  
4 the board of supervisors may employ a drainage clerk who shall  
5 give sufficient bond and be empowered to carry out all the duties  
6 of the county auditor pertaining to drainage districts.

1     Sec. 12. This act being deemed of immediate importance  
2 shall be in full force and effect from and after its publication  
3 in the Des Moines Register and the Des Moines Capital, newspapers  
4 published at Des Moines, Iowa.