

MAR 4 1982

HOUSE FILE 2421

BY COMMITTEE ON AGRICULTURE

Place On Calendar

(Formerly House File 2122)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to procedures to be followed by drainage
 2 districts in which are located ditches, drains, or
 3 natural watercourses constituting common outlets, when
 4 certain work is necessary upon such common outlets.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2421

1 Section 1. Section 455.142, Code 1981, is amended to read
2 as follows:

3 455.142 IMPROVEMENT OF COMMON OUTLET--NOTICE OF HEARING.
4 When two or more drainage districts outlet into the same
5 ditch, drain, or natural watercourse and the board determines
6 that it is necessary to clean out, deepen, enlarge, extend,
7 repair, or straighten ~~said~~ the ditch, drain, or natural
8 watercourse in order to expeditiously carry off the combined
9 waters of ~~such~~ the districts, the board may proceed as provided
10 in section 455.135. After ~~said~~ the board has decided that
11 ~~such~~ the work should be done, it shall fix a date for hearing
12 on its decision, and it shall give two weeks' notice thereof
13 by certified mail to the auditor of the county ~~wherein~~ where
14 the land to be assessed for ~~such~~ the work is located, and
15 ~~said~~ the county auditor shall ~~thereupon~~ immediately notify
16 by certified mail the board or boards of trustees of the
17 districts having supervision thereof, as to ~~said~~ the hearing
18 on ~~said~~ the contemplated work. ~~In-these-instances-where-two~~
19 ~~or-more-districts-involved-are-under-the-supervision-of-the~~
20 ~~same-board,-or-joint-board-if-the-district-is-intercounty,~~
21 ~~the-notice-shall-be-given-to-all-landowners-affected-as~~
22 ~~prescribed-for-in-sections-455-20-to-455-24-~~ Each district
23 shall be assessed for the cost of ~~such~~ the work in proportion
24 to the benefits derived. ~~Common-outlet-for-the-purpose-of~~
25 ~~this-section-shall-mean-an-outlet-where-two-adjacent-districts~~
26 ~~have-an-outlet-common-to-both-of-said-districts-and-which~~
27 ~~districts-are-also-contiguous,-one-to-the-other-~~

28 Sec. 2. Section 455.157, Code 1981, is amended to read
29 as follows:

30 455.157 OUTLET IN ANOTHER STATE. When a district is,
31 or has been established in this state and no practicable
32 outlet therefor can be obtained except through lands in an
33 adjoining state, the ~~board-of~~ supervisors of the county where
34 ~~said~~ the district is situated shall may, as drainage
35 commissioners, ~~have-power-to~~ purchase a right of way and ~~to~~

1 construct a ditch for such the outlet in an adjoining state
 2 or to contribute to the construction of such a ditch, in an
 3 adjoining state and to pay for the same it out of the funds
 4 of such the district. ~~Provided, however, that no drainage~~
 5 ~~district or districts shall be charged or assessed any of~~
 6 ~~the cost for land or work done unless previously agreed to~~
 7 ~~by the board of supervisors or trustees of all of the drainage~~
 8 ~~districts which will be assessed.~~

9 EXPLANATION

10 This bill makes changes in the legal procedure which is
 11 presently required by the Code, before a drainage district
 12 which is a common outlet can proceed with repair work. In
 13 some cases the need for this work is fairly urgent, to prevent
 14 flooding of land the district is supposed to protect, and
 15 it has been found that the existing procedures can result
 16 in undue delay.

17 Section 1 of the bill adds the term "repair" to the kinds
 18 of work referred to in section 455.142 of the Code, which
 19 governs work to be performed in common outlet districts.
 20 Since the county auditor of each affected county must be given
 21 notice and must in turn pass this notice on to the board
 22 responsible for any affected drainage district, the requirement
 23 presently found in section 455.142 that notices also be sent
 24 individually to each affected landowner is removed by section
 25 1 of the bill. Also deleted is a sentence, added in 1965,
 26 which in effect prevents common outlet districts from passing
 27 any of their costs along to noncontiguous upstream districts
 28 where some of the water which the common outlets must handle
 29 originates.

30 Section 2 removes from Code section 455.157 language which
 31 gives upstream districts' boards a veto over assessment of
 32 land in the upstream districts for any of the cost of work
 33 which must be done in the common outlet district. In such
 34 circumstances, the common outlet must either pay the entire
 35 cost itself or allow continuing deterioration of the district's

1 improvements.

2 The bill takes effect July 1 following enactment.

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HOUSE FILE 2421

H-5470

1 Amend House File 2421 as follows:
2 1. Page 1, by striking lines 18 through 22 and
3 inserting in lieu thereof the words and figures "on
4 said the contemplated work. In those instances where
5 two or more districts involved are under the
6 supervision of the same board, or joint board if the
7 district is intercounty, the notice shall be given
8 to all landowners affected as prescribed for in
9 sections 455.20 to 455.24. Each district".
10 2. Page 1, by striking lines 24 through 27 and
11 inserting in lieu thereof the words "to the benefits
12 derived. Common outlet for the purpose of this section
13 shall mean an outlet where two adjacent districts
14 have an outlet common to both of said the districts
15 and which districts are also contiguous, one to the
16 other."

H-5470 FILED MARCH 17, 1982

BY MANN of Greene

HOUSE FILE 2421

H-5516

1 Amend House File 2421 as follows:
2 1. Page 1, by striking lines 18 through 22 and
3 inserting in lieu thereof the following: "on said
4 the contemplated work. In those instances where two
5 or more districts involved are under the supervision
6 of the same board, or joint board if the district
7 is intercounty, the notice shall be given to all
8 landowners affected as prescribed for in sections
9 455.20 to 455.24. Each district".
10 2. Page 1, by striking lines 24 through 27 and
11 inserting in lieu thereof the words "to the benefits
12 derived. Common outlet for the purpose of this section
13 shall mean an outlet where two adjacent districts
14 have an outlet common to both of said districts and
15 which districts are also contiguous, one to the other."
16 3. Page 2, by striking lines 4 through 8 and
17 inserting in lieu thereof the words "of such the
18 district. Provided, however, that no drainage district
19 or districts shall be charged or assessed any of the
20 cost for land or work done unless previously agreed
21 to by the board of supervisors or trustees of all
22 of the drainage districts which will be assessed."

H-5516 FILED MARCH 23, 1982

BY MAULSBY of Calhoun