

*Amend Bill 51/81
to Sec 2/11 (p 693)*

SENATE FILE 503
BY COMMITTEE ON NATURAL RESOURCES
(FORMERLY SSB 276)
Approved 2/26/81 (p 993)

Passed Senate, Date 4-13-81 (p. 1237) Passed House, Date _____
Vote: Ayes 48 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

Amend to resolve (p. 1250) Approved 5/1/81 (p 1527)

A BILL FOR

- 1 An Act relating to procedures to be followed by drainage
- 2 districts.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 503

H-5517

1 Amend Senate File 503 as passed by the Senate,
 2 as follows:
 3 1. Page 2, by striking lines 5 through 9 and
 4 inserting in lieu thereof the following: "the hearing
 5 on said the contemplated work. In those instances
 6 where two or more districts involved are under the
 7 supervision of the same board, or joint board if the
 8 district is intercounty, the notice shall be given
 9 to all landowners affected as prescribed for in
 10 sections 455.20 to 455.24."
 11 2. Page 2, by striking lines 11 through 15 and
 12 inserting in lieu thereof the words "in proportion
 13 to the benefits derived. Common outlet for the purpose
 14 of this section shall mean an outlet where two adjacent
 15 districts have an outlet common to both of said
 16 districts and which districts are also contiguous,
 17 one to the other."
 18 3. Page 2, by striking lines 27 through 31 and
 19 inserting in lieu thereof the words "funds of such
 20 the district. Provided, however, that no drainage
 21 district or districts shall be charged or assessed
 22 any of the cost for land or work done unless previously
 23 agreed to by the board of supervisors or trustees
 24 of all of the drainage districts which will be
 25 assessed."

H-5517 FILED MARCH 23, 1982

BY MAULSBY of Calhoun

1 Section 1. Section 455.109, Code 1981, is amended to read
2 as follows:

3 455.109 REASSESSMENT TO CURE ILLEGALITY. ~~Whenever any~~
4 If a special assessment upon any lands within any drainage
5 district shall-have-been under this chapter is adjudged to
6 be void for any jurisdictional defect or for any illegality
7 or uncertainty as to the terms of any contract and the
8 improvement shall-have, repair, or other work provided has
9 been wholly completed, the board or boards of supervisors
10 ~~shall-have-power-to~~ may remedy ~~sueh~~ the illegality or
11 uncertainty as to the terms of ~~any-sueh~~ the contract with
12 the consent of the person with whom ~~sueh~~ the contract shall
13 ~~have-been~~ was entered into and make certain the terms of ~~sueh~~
14 the contract and shall then cause a reassessment of ~~sueh~~ the
15 land to be made on an equitable basis with the other land
16 in the district or districts by taking the steps required
17 by law in the making of an original assessment and relieving
18 the tax in accordance with ~~sueh~~ the assessment, and ~~sueh~~ the
19 tax ~~shall-have~~ has the same force and effect as though the
20 board or boards of supervisors had jurisdiction in the first
21 instance and no illegality or uncertainty existed in the
22 contract.

23 Sec. 2. Section 455.142, Code 1981, is amended to read
24 as follows:

25 455.142 IMPROVEMENT OF COMMON OUTLET--NOTICE OF HEARING.
26 When two or more drainage districts outlet into the same
27 ditch, drain, or natural watercourse and the board determines
28 that it is necessary to clean out, deepen, enlarge, extend,
29 repair, or straighten ~~said~~ the ditch, drain, or natural
30 watercourse in order to expeditiously carry off the combined
31 waters of ~~sueh~~ the districts, the board may proceed as provided
32 in section 455.135. After ~~said~~ the board has decided that
33 ~~sueh~~ the work should be done, it shall fix a date for hearing
34 on its decision, and it shall give two weeks' notice ~~thereof~~
35 by certified mail to the auditor of the county ~~wherein~~ where

1 the land to be assessed for such the work is located, and
 2 said the county auditor shall ~~thereupon~~ immediately notify
 3 by certified mail the board or boards of trustees of the
 4 districts having supervision ~~thereof~~ of the work, as to said
 5 the hearing on said the contemplated work. ~~In these instances~~
 6 ~~where two or more districts involved are under the supervision~~
 7 ~~of the same board, or joint board if the district is~~
 8 ~~intercounty, the notice shall be given to all landowners~~
 9 ~~affected as prescribed for in sections 455.20 to 455.24.~~
 10 Each district shall be assessed for the cost of such the work
 11 in proportion to the benefits derived. ~~Common outlet for~~
 12 ~~the purpose of this section shall mean an outlet where two~~
 13 ~~adjacent districts have an outlet common to both of said~~
 14 ~~districts and which districts are also contiguous, one to~~
 15 ~~the other.~~

5517 16 Sec. 3. Section 455.157, Code 1981, is amended to read
 17 as follows:

18 455.157 OUTLET IN ANOTHER STATE. When a district is,
 19 or has been established in this state and no practicable
 20 outlet ~~therefor~~ for it can be obtained except through lands
 21 in an adjoining state, the board of supervisors of the county
 22 where said the district is situated shall, as drainage
 23 commissioners, ~~have power to~~ may purchase a right of way and
 24 ~~to~~ construct a ditch for such the outlet in an adjoining state
 25 or ~~to~~ contribute to the construction of such a the ditch,
 26 in an adjoining state and ~~to~~ pay for ~~the same~~ it out of the
 27 funds of such the district. ~~Provided, however, that no~~
 28 ~~drainage district or districts shall be charged or assessed~~
 29 ~~any of the cost for land or work done unless previously agreed~~
 30 ~~to by the board of supervisors or trustees of all of the~~
 31 ~~drainage districts which will be assessed.~~

32 EXPLANATION

33 Section 455.109 presently provides a procedure for remedying
 34 any defect in the process of contracting for and making an
 35 assessment to pay the cost of an improvement in a drainage

1 district. Section 1 of the bill amends that section so as
2 to make that procedure available with respect to contracts
3 for repair and maintenance work (i.e., maintaining the intended
4 capacity of the district) as well as those for improvements
5 (i.e., increasing the previous capacity of the district).
6 The bill also seeks to make it clear that this procedure is
7 to be available with respect to common outlet districts.

8 Section 2 of the bill adds the term "repair" to the kinds
9 of work referred to in section 455.142, which governs work
10 to be performed in common outlet districts. Since the county
11 auditor of each affected county must be given notice and must
12 in turn pass this notice on to the board responsible for any
13 affected drainage district, the requirement presently found
14 in section 455.142 that notices also be sent individually
15 to each affected landowner is removed by section 2 of the
16 bill. Also deleted is a sentence, added in 1965, which in
17 effect prevents common outlet districts from passing any of
18 their costs along to noncontiguous upstream districts where
19 some of the water which the common outlets must handle
20 originates.

21 Section 3 removes from Code section 455.157 language which
22 gives boards of upstream districts a veto over assessment
23 of land in the upstream districts for any of the cost of work
24 which must be done in the district. In those circumstances,
25 the district must either pay the entire cost itself or allow
26 continuing deterioration of the district's improvements.

27 The bill takes effect July 1 following enactment.

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