

Natural Resources  
Hutchins, Chair  
Goodwin  
Kudart

FILED JAN 26 1982

SENATE FILE 2090

BY VANDE HOEF

Passed Senate, Date \_\_\_\_\_ Passed House, 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 natural  
3 watercourses constituting common outlets, when certain  
4 work is necessary upon such common outlets.

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

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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.~~

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## 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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