

CHAPTER 86

DRAINAGE AND LEVEE DISTRICTS

H.F. 152

AN ACT relating to drainage or levee districts by providing for agreements with owners of land located within districts, providing for the management of districts by a board of trustees, and including effective date provisions.

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

Section 1. Section 468.187, Code 2013, is amended to read as follows:

468.187 Agreements with outside owners or other districts.

1. Levee and drainage districts are empowered to enter into agreements with the owners of lands lying inside or outside of said districts, or with other levee and drainage districts or municipalities, to provide levee protection or drainage for such lands on such terms as the board may agree and subject to the following terms and conditions:

1. a. The facilities of the district furnishing the service shall not be overburdened.

2. b. There shall be no additional cost to the district furnishing the service.

3. c. The agreement shall be in writing, be made a part of the drainage records and shall include all of the following:

a. (1) The description of the lands to be served;

b. (2) The location of tile lines constructed or to be constructed;

e. (3) The consideration to be paid to the district furnishing the service and the classification of the lands to be served; ~~and~~

d. (4) Such other provisions as the board deems necessary.

2. The provisions in an agreement described in subsection 1 modify other provisions of this chapter applicable to such lands.

Sec. 2. Section 468.500, Code 2013, is amended to read as follows:

468.500 Trustees authorized.

1. a. In the manner provided in this subchapter, any drainage or levee district in which the original construction has been completed and paid for by bond issue or otherwise, may be placed under the control and management of a board of ~~three~~ trustees to be elected by the persons owning land in the district that has been assessed for benefits.

b. A drainage or levee district under the control of a city council as provided in subchapter II, part 3, may be placed under the control and management of a board of trustees by the city council following the procedures provided in ~~this subchapter~~ part 2 for the county board of supervisors.

2. An overlying drainage or levee district that controls and manages improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district, in accordance with sections 468.256 through 468.259, shall continue to be controlled and managed by a board of trustees as provided in part 3.

Sec. 3. NEW SECTION. **468.538 Scope.**

This part applies when the board of trustees of an overlying district accepts all improvements and rights-of-way surrendered by a board of supervisors or board of trustees of a contained district, in accordance with sections 468.256 through 468.259. In addition, after such acceptance, the overlying district must include at least thirty-five thousand acres with a pumping station, regardless of whether the drainage or levee district is located in more than one county. Such a district shall continue to be controlled and managed by a board of trustees elected as provided in this part.

Sec. 4. NEW SECTION. **468.539 Qualified application.**

Part 2 of this subchapter shall also apply to this part, except as follows:

1. The trustees of the overlying district serving on the board at the time of acceptance as described in section 468.538 shall be considered initially elected as the trustees of the drainage or levee district as provided in sections 468.502, 468.503, and 468.521.

2. *a.* The board of trustees described in subsection 1 shall do all of the following:

(1) Establish the overlying district as a new drainage or levee district, which must include all improvements and rights-of-way surrendered by a board of supervisors or board of trustees of the contained district.

(2) Divide the new drainage or levee district into three election districts in the same manner as a board of supervisors acting pursuant to sections 468.504 and 468.505.

b. The petition described in section 468.501 is not required to be filed or considered under this subsection.

3. Each of the three persons elected as trustee to serve on a new drainage or levee district established pursuant to an election held by the board of trustees described in subsection 1 shall hold office for a staggered term as provided in section 468.518. A person elected as a trustee of the new drainage or levee district shall be elected from a specified election district, unless the person is elected at large as provided in subsection 4.

4. The board of trustees described in subsection 1 or a subsequent board of trustees of the new drainage or levee district may provide for the election of two additional persons to serve as trustees. The two additional persons shall be elected at large by all qualified voters for the entire drainage or levee district. Of the five persons elected as trustees of the new drainage or levee district, not more than two persons shall be elected from the same specified election district. One person's initial term shall be for one year and the second person's initial term shall be for two years in the same manner as provided in section 468.518.

5. Votes shall be determined as provided pursuant to either section 468.510 or 468.511 in the same manner as was determined for the overlying district.

Sec. 5. DIVISION OF CHAPTER 468, SUBCHAPTER III. The Code editor shall codify section 468.500, as amended by this Act, as part 1 of chapter 468, subchapter III; sections 468.501 through 468.537 as part 2 of chapter 468, subchapter III; and sections 468.538 and 468.539 as part 3 of chapter 468, subchapter III.

Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 2013