

F I N A L R E P O R T
DRAINAGE LAWS STUDY COMMITTEE

December, 1984

The Legislative Council established the Drainage Laws Study Committee to examine drainage problems and drainage laws in Iowa. The Committee was initially authorized to hold two meetings and an additional meeting was subsequently authorized.

Members serving on the Study Committee were:

Senator Berl E. Priebe, Co-chairperson
Representative Mark Haverland, Co-chairperson
Senator Hurley Hall
Senator Alvin Miller
Senator Jack W. Hester
Senator Arne Waldstein
Representative Josephine Gruhn
Representative Daniel Fogarty
Representative Bill Royer
Representative Robert Grandia

The Study Committee met on October 9 and November 28, 1984 at the State House and conducted a public hearing in Humboldt on November 20, 1984. The Study Committee received testimony from several drainage trustees, county supervisors, drainage attorneys, landowners, representatives of natural resource organizations, the Iowa State Association of Counties, the Department of Water, Air and Waste Management, Department of Soil Conservation, Department of Agriculture, and Iowa State Conservation Commission.

The subject receiving the most attention from the Study Committee and the people presenting testimony was the question of the extent to which the Department of Water, Air and Waste Management's flood plain construction authority regulated the activities of drainage districts. The Study Committee recommended and requested that the commissioners of the Department of Water, Air and Waste Management and the Iowa State Conservation Commission confer with the members of the Drainage Steering Committee of the Iowa State Association of Counties and propose new rules on the subject by February 1, 1985.

The Study Committee also made several recommendations regarding the procedures management of drainage districts. Bill drafts will be prepared to carry out these recommendations. The recommendations are as follows:

1. Allowing land which has become benefitted by a district after its establishment as a result of topographical changes to be annexed and be assessed for any subsequent, but not the original, improvement.
2. Allowing one county board of supervisors to canvass the election of trustees of a district in more than one county.
3. Provide that the right of remonstrance does not apply to involuntary annexations.
4. Provide that the procedures for branches on annexations and hearings be the same as for districts.
5. Allow the waiving of an engineer's report on a repair if the prior report is less than ten years old.
6. To make reclassification discretionary when a lower district charges more than twenty-five percent of the original cost of the improvement for the improvement of a common outlet.
7. To replace notice by publication with notice by certified mail to all the landowners of the time to submit a claim for damages arising out of the construction of an improvement or repair.
8. Establish a staff position in the Department of Soil Conservation to assist and coordinate drainage districts.
9. Allow counties to issue general obligation bonds to assist the financing of drainage districts.
10. Allow drainage to be pumped in the course of natural drainage and the district to be assessed without reclassification.
11. Preserving drainage easements through abandoned railroad and other utility rights-of-way and where original records have been lost and providing a method for appeal.
12. Providing that engineering fees, publication fees and reclassification fees be assessed on a per acre basis in a reclassification.