



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 8, 2008

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 2554, an Act providing monetary thresholds for actions by governing boards of drainage districts.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2554

AN ACT

PROVIDING MONETARY THRESHOLDS FOR ACTIONS BY GOVERNING
BOARDS OF DRAINAGE DISTRICTS.

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

Section 1. Section 468.126, subsection 1, paragraph c,
Code 2007, is amended to read as follows:

c. If the estimated cost of a repair exceeds fifteen
twenty thousand dollars, or seventy-five percent of the
original total cost of the district and subsequent
improvements, whichever is the greater amount, the board shall
set a date for a hearing on the matter of making the proposed
repairs, and shall give notice as provided in sections 468.14
through 468.18. If a hearing is required and the estimated
cost of the repair exceeds twenty-five thousand dollars, an
engineer's report or a report from the soil and water
conservation district conservationist shall be presented at

the hearing. The requirement of a report may be waived by the board if a prior report on the repair exists and that report is less than ten years old. The board shall not divide proposed repairs into separate programs in order to avoid the notice and hearing requirements of this paragraph. At the hearing the board shall hear objections to the feasibility of the proposed repairs, and following the hearing the board shall order that the repairs it deems desirable and feasible be made. Any interested party has the right of appeal from such orders in the manner provided in this subchapter, parts 1 through 5.

Sec. 2. Section 468.126, subsection 2, Code 2007, is amended to read as follows:

2. In the case of minor repairs, or in the eradication of brush and weeds along the open ditches, not in excess of ~~fifteen~~ twenty thousand dollars where the board finds that a saving to the district will result the board may cause the repairs or eradication to be done by secondary road fund equipment, or weed fund equipment, and labor of the county and then reimburse the secondary road fund or the weed fund from the fund of the drainage district thus benefited.

Sec. 3. Section 468.126, subsection 4, paragraph a, Code 2007, is amended to read as follows:

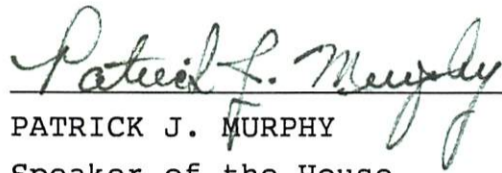
a. When the board determines that improvements are necessary or desirable, the board shall appoint an engineer to make surveys as seem appropriate to determine the nature and extent of the needed improvements, and to file a report showing what improvements are recommended and their estimated costs, which report may be amended before final action. If the estimated cost of the improvements does not exceed ~~fifteen~~ twenty thousand dollars, or twenty-five percent of the original cost of the district and subsequent improvements, whichever is the greater amount, the board may order the work done without notice. The board shall not divide proposed improvements into separate programs in order to avoid the limitation for making improvements without notice. If the board deems it desirable to make improvements where the estimated cost exceeds the ~~fifteen~~ twenty thousand dollar or

twenty-five percent limit, the board shall set a date for a hearing on the matter of constructing the proposed improvements and also on the matter of whether there shall be a reclassification of benefits for the cost of the proposed improvements, and shall give notice as provided in sections 468.14 through 468.18. At the hearing the board shall hear objections to the feasibility of the proposed improvements and arguments for or against a reclassification presented by or for any taxpayer of the district. Following the hearing the board shall order that the improvements it deems desirable and feasible be made, and shall also determine whether there should be a reclassification of benefits for the cost of improvements. If it is determined that a reclassification of benefits should be made, the board shall proceed as provided in section 468.38. In lieu of publishing the notice of a hearing as provided by this subsection, the board may mail a copy of the notice to each address where a landowner in the district resides by first class mail if the cost of mailing is less than publication of the notice. The mailing shall be made during the time the notice would otherwise be required to be published.

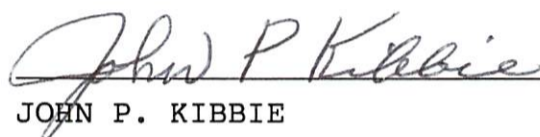
Sec. 4. Section 468.126, subsection 4, paragraph b, Code 2007, is amended to read as follows:

b. If the estimated cost of the improvements as defined in this subsection exceeds ~~twenty~~ twenty-five thousand dollars, or the original cost of the district plus the cost of subsequent improvements in the district, whichever is the greater amount, a majority of the landowners, owning in the aggregate more than seventy percent of the total land in the district, may file a written remonstrance against the proposed improvements, at or before the time fixed for hearing on the proposed improvements, with the county auditor, or auditors in case the district extends into more than one county. If a remonstrance is filed, the board shall discontinue and dismiss all further proceedings on the proposed improvements and charge the costs incurred to date for the proposed improvements to the district. Any interested party may appeal from such orders in the manner provided in this subchapter,

parts 1 through 5. However, this section does not affect the procedures of section 468.132 covering the common outlet.




PATRICK J. MURPHY
Speaker of the House



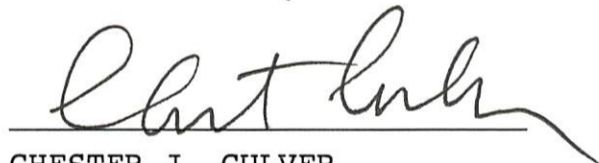
JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2554, Eighty-second General Assembly.



MARK BRANDSGARD
Chief Clerk of the House

Approved 4/8, 2008



CHESTER J. CULVER
Governor