

February 15, 1965. *Pass 7/23*  
Agriculture. *referred 4/2*

**House File 253**

By COCHRAN, WINKELMAN, MAYBERRY,  
HOUSTON, LOSS, MUELLER, BAILEY,  
MILLER of Buena Vista, EDGINGTON,  
GRAHAM, HAUSHEER, GILLETTE of Clay-  
Dickinson, BAKER, NIELSEN of Emmet-  
Palo Alto, STUELAND, GLEASON, GILLETTE  
of Story, MURPHY, FISHER of Greene  
and HANSON.  
(Beneke and Coleman.)

Passed House, Date *4/21* ..... Passed Senate, Date *5/13* .....  
Vote: Ayes *102* Nays *1* ..... Vote: Ayes *55* Nays *0* .....

Approved *May 27, 1965* .....

*passed house as amended 5/24 (89-0)*

**A BILL FOR**

*passed on file 7/23*  
*substituted for SF 211-5/13*

An Act relating to drainage districts, and to amend various sections of the Code relating thereto.

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

HOUSE FILE 253

- 1 Amend House File 253, section two (2), by striking
- 2 lines seven (7) and eight (8).

Filed  
March 24, 1965.

*adopted 4/21*

DISTELHORST of Des Moines.

**This is a Companion Bill; for complete text see Senate File 211.**

HOUSE FILE 253

- 1 Amend House File 253 as follows:
- 2 1. By inserting after the period in line twelve
- 3 (12) of section fourteen (14) thereof the following:
- 4 "This subsection shall not apply to drainage or levee
- 5 districts with pumping stations."
- 6 2. By inserting after the word "purposes" in line
- 7 thirty-one (31) of section fourteen (14) thereof the
- 8 following: "This subsection shall not apply to drainage
- 9 or levee districts with a pumping station."

Filed  
March 23, 1965.

*adopted 4/21*

DISTELHORST of Des Moines.

EXPLANATION OF HOUSE FILE 253

Many Iowa drainage statutes are antiquated, being enacted in 1873, 1897 and 1924 with subsequent amendments. There is need for modernization and clarification for benefit and protection of property owners.

This bill provides needed drainage legislation; corrects and modernizes existing statutes by making benefited land assessable; by providing clear determination of drainage right-of-way; limiting some unnecessary title searches and publications; by fixing authority of trustees to let contracts without bids; by providing for filing damages claims after construction; by raising interest on warrants and certificates not to exceed 5 percent; by defining the "common outlet," and by reducing the amount withheld from the contract on final payment to 10 percent and by repealing archaic and unused sections of the act, all of which will permit an economical savings to the landowners and repair, construction, maintenance and management methods.

HOUSE FILE 253

- 1 Amend House File 253 by striking section four (4)
- 2 thereof.

Filed  
April 1, 1965.

*lost 4/21*  
HAGEMAN of Winneshiek.

HOUSE FILE 253

- 1 Amend House File 253, section six (6), as follows:
- 2 1. By striking in lines five (5) and six (6) the words
- 3 "said lateral ditch or drain has" and inserting in lieu thereof
- 4 the words "the lands benefited by the lateral have".
- 5 2. By striking in line eight (8) the words "lateral ditch
- 6 or drain" and inserting in lieu thereof the word "lands".
- 7 3. By adding in line sixteen (16) after the word "district"
- 8 the words "when a repair or improvement is made on any such
- 9 lateral".

Filed  
April 20, 1965.

*adopted 4/21*  
WINKELMAN of Calhoun.

HOUSE FILE 253

- 1 Amend House File 253 as follows:
- 2 1. By striking from line four (4) of section fifteen
- 3 (15) the words "Common outlet" and insert in lieu thereof
- 4 "Outlet".
- 5 2. By striking from line four (4) of section fifteen
- 6 (15) the word "an" and inserting in lieu thereof the words
- 7 "a common".

Filed  
April 21, 1965.

*adopted 4/21*  
HOUSTON of Crawford.

HOUSE FILE 253

- 1 Amend House File 253 by striking all of section three (3).

Filed and lost  
April 21, 1965.

RICKERT of Louisa-Muscatine.

HOUSE FILE 253

- 1 Amend House File 253 as follows:
- 2 1. Amend section six (6), lines one (1) and two (2),
- 3 by striking the words and figures "four hundred fifty-five
- 4 point fifty-six (455.56)", and inserting in lieu thereof
- 5 the words and figures "four hundred fifty-five point
- 6 forty-eight (455.48)".
- 7 2. Further amend section six (6), line twelve (12)
- 8 by striking the word "at" and inserting in lieu thereof
- 9 the word "as".

Filed  
April 21, 1965.

*adopted 4/21*  
WINKELMAN of Calhoun.

HOUSE FILE 253

- 1 1. Amend House File 253 by striking the words "and define"
- 2 in line four (4) of section two (2) thereof.

Filed  
April 21, 1965.

*adopted 4/21*  
GILLETTE of Clay-Dickinson.

HOUSE FILE 253

- 1 Amend House File 253 by adding the following new sections:
- 2 Sec. 16. Section four hundred fifty-five point forty
- 3 (455.40), Code 1962, is amended by striking from line twenty-
- 4 two (22) the word "shall" and insert in lieu thereof the
- 5 word "may".
- 6 Sec. 17. Section four hundred fifty-five point sixty-one
- 7 (455.61), Code 1962, is amended by adding at the end thereof
- 8 the words "All drainage districts may invest funds not im-
- 9 mediately needed for current operating expenses as provided
- 10 in chapter four hundred fifty-three (453) of the Code."
- 11 Sec. 18. Section four hundred sixty-two point fifteen
- 12 (462.15), Code 1962, is hereby repealed and the following
- 13 enacted in lieu thereof:
- 14 "Candidates for drainage districts trustee shall have their
- 15 names placed on printed ballots provided a petition therefor
- 16 is signed by ten qualified electors of the district and filed
- 17 with the clerk of the board at least fourteen days before the
- 18 election. Space shall also be provided on the ballot for
- 19 write-in votes."

Filed  
April 26, 1965.

*adopted 5/13 house concurred 5/24*  
By LODWICK.

HOUSE FILE 253

- 1 Amend House File 253 as follows:  
 2 1. Amend by inserting after section 8 the following new section:  
 3 "Section four hundred fifty-five point seventy-two (455.72),  
 4 Code 1962, is hereby amended by adding the following subsection:  
 5 'If after a district has been reclassified, the board in its  
 6 judgment concludes there were errors in the reclassification or  
 7 there is an inequitable assessment of benefits, the board may on  
 8 its own motion, after notice to the land owners involved as pro-  
 9 vided in sections four hundred fifty-five point twenty (455.20)  
 10 to four hundred fifty-five point twenty-four (455.24), inclusive,  
 11 of the Code, and by resolution, order the district or any portion  
 12 of the district to again be reclassified as prescribed in this  
 13 section and in section four hundred fifty-five point seventy-four  
 14 (455.74) of the Code.'  
 15 2. Amend by striking from section 15 lines 2 through 7 and  
 16 inserting in lieu thereof the following:  
 17 "forty-two (455.142), Code 1962, is amended as follows:  
 18 1. By inserting in line nineteen (19) after the word 'work'  
 19 the following:  
 20 'In those instances where two (2) or more districts involved  
 21 are under the supervision of the same board, or joint board if the  
 22 district is intercounty, the notice shall be given to all land-  
 23 owners affected as prescribed for in sections four hundred fifty-  
 24 five point twenty (455.20) to four hundred fifty-five point twenty-  
 25 four (455.24), inclusive, of the Code.'  
 26 2. By adding thereto the following:  
 27 'Common outlet for the purpose of this section shall mean an  
 28 outlet where two (2) adjacent districts have an outlet common to  
 29 both of said districts and which districts are also contiguous,  
 30 one (1) to the other.'  
 31 3. Amend by adding the following new section:  
 32 "Section four hundred fifty-five point one hundred forty-four  
 33 (455.144), Code 1962, is hereby amended by adding thereto the  
 34 following:  
 35 'In those instances where two (2) or more districts are under  
 36 the supervision of the same board, or joint board if the district  
 37 is intercounty, the notice shall be given to all landowners  
 38 affected as prescribed in sections four hundred fifty-five point  
 39 twenty (455.20) to four hundred fifty-five point twenty-four  
 40 (455.24), inclusive, of the Code.'  
 41 4. Further amend by renumbering the sections in conformity  
 42 with this amendment.

Filed  
May 6, 1965.

*adopted 5/13 house concurred 5/24*

By MURRAY.

HOUSE FILE 253

- 1 Amend House File 253 by adding the following new section:  
 2 "Sec. 16. The provisions of this Act shall not  
 3 affect any proceedings or litigation commenced before  
 4 the effective date of this Act."

Filed  
May 12, 1965.

*adopted 5/13 house concurred 5/24*

By BENEKE.

HOUSE FILE 253

- 1 Amend House File 253 by adding the following new section:  
 2 "Sec. 16. Section four hundred sixty-five point twenty-  
 3 two (465.22), Code 1962, is amended by inserting after the  
 4 word "constructing" in lines two (2) and three (3) the words  
 5 "or reconstructing".  
 6 Further amend said section by adding in line nine (9)  
 7 after the word "therefor" the words "nor shall any such owner  
 8 in constructing a replacement drain, wholly on his own land,  
 9 "and in the exercise of due care" be liable in damages to another  
 10 in case a previously constructed drain on his own land is  
 11 rendered inoperative or less efficient by such new drain,  
 12 unless in violation of the terms of a written contract".

Filed and adopted  
May 13, 1965.

*house concurred 5/24*

By RIGLER.