

February 25, 1965.

Governmental Subdivisions. *pass 4/19*

House File 387

By DENATO.

Passed House, Date *5/3*

Passed Senate, Date *5/4*

Vote: Ayes *94* Nays *0*

Vote: Ayes *58* Nays *0*

Approved *May 13, 1965*

A BILL FOR

*passed on file 5/4
substituted for # 321-5/4*

An Act relating to flood control in cities and towns.

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

1 Section 1. Section three hundred sixty-eight point forty-
2 seven (368.47), Code 1962, is hereby amended as follows:

3 1. By inserting in line twenty-five (25), immediately
4 following the word "including", the following: "the payment to
5 the United States of all or any part of the cost to the United
6 States of the said undertakings as such apportionment of said
7 cost may be determined by such agreements with the United States,"

8 2. By adding at the end of said section the following:
9 "Payments to the United States in furtherance of said agreements
10 may be made to the United States in whole or in part in advance
11 of the letting of contracts by the United States for such under-
12 takings to secure the United States in the letting of said contracts
13 subject to the provision that any such payments be made on condition
14 that any excess of such payments over and above the actual cost as
15 so apportioned shall be refunded."

1 Sec. 2. Section three hundred ninety-five point twenty-eight
2 (395.28), Code 1962, is hereby amended by inserting immediately
3 following the period in line nine (9) the following:
4 "Cities and towns may pay to the United States all or any part
5 of the cost to the United States of the improvements contemplated by
6 this chapter as such apportionment of said cost may be determined by

7 agreement with the United States. Payments to the United States in
 8 furtherance of said agreement may be made to the United States in
 9 or in part in advance of the letting of contracts by the United States
 10 for such improvements to secure the United States in the letting of
 11 said contracts subject to the provision that any such payment be made
 12 on condition that any excess of such payment over and above the
 13 actual cost as so apportioned shall be refunded to the city or town.
 14 Funds for such payments to the United States may be provided by
 15 contracting indebtedness and issuing bonds to the extent and in the
 16 manner authorized by Section 395.25, of the Code."

1 Sec. 3. This Act, being deemed of immediate importance, shall be
 2 in full force and effect from and after publication in the
 3, a newspaper published at, Iowa, and the
 4, a newspaper published at, Iowa.

EXPLANATION OF HOUSE FILE 387

The purpose of this bill is to make clear and specific a power impliedly given to cities and towns by sections 368.47 and 395.25 to 395.30 of the Code to pay or secure payment to the federal government of the cities or towns share of the cost of local improvements, such as flood protection, where in cooperative projects the entire project is contracted or to be contracted directly by the federal government. The bill would also specifically authorize cities and towns to issue general obligation bonds to fund such cost. Cities and towns would retain all of their present controls over the projects through their power to consider, and accept or reject any and all proposals with regard to the project and to specify to any extent necessary in the agreement with the federal government those requirements essential to the protection of the municipalities. Permissible levee limits for general obligation bonds would be in no way affected by this bill.

HOUSE FILE 387

- 1 Amend House File 387 as follows:
- 2 1. Amend section three (3) by striking lines two (2),
- 3 three (3), and four (4), and inserting in lieu thereof the
- 4 following:
- 5 "in full force and effect from and after publication in
- 6 The West Des Moines Express, a newspaper published at West
- 7 Des Moines, Iowa, and The Pioneer-Press & Stanwood Herald,
- 8 a newspaper published at Mechanicsville, Iowa."

Filed *adopted 5/3*
 March 17, 1965.

ROBINSON of Audubon-Guthrie.