

January 20, 1969

HOUSE FILE 16

Passed on File

County Government
Pass 3-10 1-21

By COCHRAN, WINKELMAN, TIEDEN, MILLER of Des
Moines, GANNON, DUNTON, KRUSE, MAYBERRY,
DOUGHERTY, BERGMAN, SCHMEISER and MIDDLESWART
(Neu, Schaben and Smith)

Request of the Legislative Research Committee

Passed House, Date 4-14-69 Passed Senate, Date.....

Vote: Ayes 102 Nays 5 Vote: Ayes Nays

Approved

A BILL FOR

1 An Act relating to drainage and levee districts.

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

3 Section 1. Section seventy-four point two (74.2), Code 1966,

4 is hereby amended by striking from line ten (10) the word "drain-
5 age,".

6 Sec. 2. Section three hundred fifty-nine point forty-six

7 (359.46), Code 1966, is hereby amended by striking from lines

8 fourteen (14) and fifteen (15) the words ", or viewing or locat-
9 ing any ditch or drain,".

10 Sec. 3. Section three hundred fifty-nine point forty-seven

11 (359.47), Code 1966, is hereby amended by striking therefrom

12 all of subsection three (3).

13 Sec. 4. Section four hundred four point thirteen (404.13),

14 Code 1966, is hereby amended by adding thereto the following

15 new subsection:

16 "To pay assessments for establishment, maintenance, repair,

17 or improvements of organized drainage districts encompassing

18 lands within the municipal corporation."

19 Sec. 5. Section four hundred fifty-five point four (455.4),

20 Code 1966, is hereby amended by striking all of such section

21 after the period in line eighteen (18), and inserting in lieu

22 thereof the following:

23 "The term 'engineer' and the term 'civil engineer', within

24 the meaning of this chapter and chapters four hundred fifty-

25 seven (457), four hundred sixty (460), four hundred sixty-one

1 (461), four hundred sixty-five (465), and four hundred sixty-
2 six (466) of the Code, shall mean a person registered as a pro-
3 fessional engineer under the provisions of chapter one hundred
4 fourteen (114) of the Code.”

5 Sec. 6. Section four hundred fifty-five point twenty (455.20),
6 Code 1966, is hereby amended as follows:

7 1. By striking line ten (10) and inserting in lieu thereof
8 the following:

9 “diately to cause notice, as required by this section, to
10 be given to:

11 1. The”.

12 2. By striking lines fifteen (15) through twenty-one (21),
13 inclusive, and inserting in lieu thereof the following:

14 “way in the proposed district, except as otherwise provided
15 in subsection two (2) of this section.

16 2. Each incorporated city or town within the proposed levee
17 or drainage district. Service of notice to the municipality
18 shall constitute valid notice for all public lands, and for
19 private tracts of ten acres or less within the corporate limits.

20 3. All lien holders or encumbrancers of land within the
21 proposed district, without naming them.

22 4. All actual occupants of land within the proposed district,
23 without naming individuals.

24 5. All other persons whom it may concern.

25 The notice shall state the pendency and prayer of the”.

26 Sec. 7. Section four hundred fifty-five point twenty-one
27 (455.21), Code 1966, is hereby amended by inserting in line
28 ten (10), after the word “person”, the words “and to the clerk
29 or recorder of each city or town”.

30 Sec. 8. Section four hundred fifty-five point twenty-nine
31 (455.29), Code 1966, is hereby amended by inserting after the
32 period in line five (5) the following:

33 “The board may by purchase acquire the necessary lands re-
34 quired for right-of-way for open ditches or other improvements
35 in lieu of condemning said lands.”

1 Sec. 9. Section four hundred fifty-five point forty-five
2 (455.45), Code 1966, is hereby amended by striking from lines
3 two (2) and three (3) the words ", and the contracts for con-
4 struction let,".

5 Sec. 10. Section four hundred fifty-five point forty-eight
6 (455.48), Code 1966, is hereby repealed and the following en-
7 acted in lieu thereof:

8 "1. In fixing the percentages and assessments of benefits
9 and apportionment of costs of construction of lands benefited
10 by lateral ditches and drains as a part of the entire improve-
11 ment to be made in a drainage district, the commissioners shall
12 ascertain and fix the percentage of benefits and apportionment
13 of costs to the lands benefited by such lateral ditches on the
14 same basis and in the same manner as if said lateral was, with
15 its sublaterals, being constructed as a subdistrict as provided
16 in this chapter, reporting separately:

17 a. The percentage of benefits and amount accruing to each
18 forty-acre tract or less on account of the construction of the
19 main ditch, drain, or watercourse including pumping plant, if
20 any.

21 b. The percentage of benefits and amount accruing to each
22 forty-acre tract or less on account of the construction of such
23 lateral improvement.

24 2. When there has been a repair or improvement to a lateral
25 ditch or drain as provided in section four hundred fifty-five
26 point one hundred thirty-five (455.135) and the lands benefited
27 by the lateral have not been classified as provided in this
28 section, then the board may order a classification of said lands
29 and the commission shall ascertain and fix the percentage of
30 benefits and apportionment of costs to the lands benefited by
31 such lateral ditches or drains on the same basis and in the
32 same manner as if said lateral was with its sublaterals being
33 constructed as a subdistrict as provided in this chapter. When-
34 ever this procedure is followed for the classification of any
35 lateral ditch or drain in a given district, the board shall

1 simultaneously follow the same procedure for the main drains
2 and all other lateral ditches or drains in the district which
3 have not been classified as prescribed in this section."

4 Sec. 11. Section four hundred fifty-five point forty-nine
5 (455.49), Code 1966, is hereby amended as follows:

6 1. By striking line three (3) and inserting in lieu thereof
7 the following:

8 "portionment of costs and expenses shall:

9 1. De-".

10 2. By adding thereto the following new subsection:

11 "2. Where any part of an incorporated city or town is in-
12 cluded within the boundaries of the levee or drainage district,
13 determine and assess the benefit for the entire city or town
14 area without reference to each individually owned parcel of
15 land of ten acres or less. The assessment made by the levee
16 or drainage district shall be levied by the governing body of
17 the city or town, by resolution, as a special tax for debt ser-
18 vice, as prescribed in section four hundred four point thir-
19 teen (404.13) of the Code."

20 Sec. 12. Section four hundred fifty-five point (455.50),
21 Code 1966, is hereby amended as follows:

22 1. By inserting in line two (2), after the word "land" the
23 words ", or public or private land within a city or town,".

24 2. By inserting in line seven (7), after the word "public"
25 the words "or private".

26 3. By striking all of line nine (9) after the word "highway"
27 and inserting in lieu thereof the words ", land, or city or
28 town."

29 4. By striking lines eighteen (18) through twenty-one (21),
30 inclusive, and inserting in lieu thereof the following:

31 "from the appropriate county fund.

32 When any lands, public or private, within an incorporated
33 city or town are situated within a levee or drainage district,
34 the commission to assess benefits shall ascertain and return
35 in their report the amount of benefits received by and the ap-

1 portionment of costs and expenses to such lands, and the board
2 of supervisors shall assess the same against the city or town."

3 Sec. 13. Section four hundred fifty-five point fifty-one
4 (455.51), Code 1966, is hereby amended as follows:

5 1. By inserting after the word "property" in line fourteen
6 (14) the words "and city or towns".

7 2. By inserting after the word "expense" in line seventeen
8 (17) the words ", or estimated costs or expense,".

9 Sec. 14. Section four hundred fifty-five point fifty-two
10 (455.52), Code 1966, is hereby amended by striking lines twelve
11 (12), thirteen (13) and fourteen (14) and inserting in lieu
12 thereof the words "state that the amount of assessment of costs
13 and expenses of construction, or estimated costs and expenses,
14 apportioned to each owner upon each forty-acre tract or less
15 is set forth in said report and said notice shall state that
16 said report is on file in the office of the auditor, and".

17 Sec. 15. Section four hundred fifty-five point sixty-three
18 (455.63), Code 1966, is hereby amended by inserting after the
19 word "any" in line ten (10) the words "warrants against assess-
20 ments,".

21 Sec. 16. Section four hundred fifty-five point sixty-four
22 (455.64), Code 1966, is hereby amended as follows:

23 1. By striking from line two (2) the word "premises" and
24 inserting in lieu thereof the word "land".

25 2. By striking from line three (3) the word "twenty" and
26 inserting in lieu thereof the words "one hundred".

27 Sec. 17. Section four hundred fifty-five point seventy-
28 seven (455.77), Code 1966, is hereby amended by striking line
29 one (1) and inserting in lieu thereof the following:

30 "The board may provide by resolution for the payment of as-
31 sessments in not more than twenty actual installments with in-
32 terest at not to exceed five percent per annum. The board may
33 issue warrants bearing interest at the same rate, which war-
34 rants shall be numbered and state a maturity date in which event
35 they shall bear interest from the date of issuance without being

1 presented for payment and marked unpaid for want of funds. The
2 warrants may be sold by the board for cash in an amount not
3 less than the face value thereof, together with accrued interest,
4 if any.

5 The board”.

6 Sec. 18. Section four hundred fifty-five point eighty-one
7 (455.81), Code 1966, is hereby amended by striking from line
8 sixteen (16) the word “twenty” and inserting in lieu thereof
9 the words “one hundred”.

10 Sec. 19. Section four hundred fifty-five point ninety-one
11 (455.91), Code 1966, is hereby amended by striking from line
12 four (4) the word “twenty” and inserting in lieu thereof the
13 words “one hundred”.

14 Sec. 20. Section four hundred fifty-five point one hundred
15 eighteen (455.118), Code 1966, is hereby amended by striking
16 lines five (5) through eleven (11), inclusive, and inserting
17 in lieu thereof the following:

18 “road bridge upon, or ditch or drain crossing such road,
19 the board of supervisors shall move, build, or rebuild the same,
20 paying the costs and expenses thereof, including construction,
21 maintenance, repair and improvement costs, from the secondary
22 road fund.

23 If the bridge or crossing be upon or across a primary or
24 interstate road, the”.

25 Sec. 21 Section four hundred fifty-five point one hundred
26 thirty-five (455.135), Code 1966, is hereby amended as follows:

27 1. By inserting in line seven (7), after the word “repair”,
28 the words “as provided herein”.

29 2. By striking lines twenty-six (26) through thirty (30),
30 inclusive, and inserting in lieu thereof the following:

31 “be considered to be a repair. If the estimated cost of
32 any repair exceeds seventy-five percent of the original total
33 cost of the district and subsequent improvements therein, the
34 board shall set”.

35 3. By inserting in line thirty-five (35), after the word

1 "repairs," the word "and".

2 4. By inserting after the period in line forty (40) the
3 words "The right of remonstrance shall not apply to repairs
4 as defined in this section."

5 5. By striking from line forty-three (43) the words "five
6 hundred" and inserting in lieu thereof the words "one thousand".

7 6. By striking lines forty-nine (49) and fifty (50) and
8 inserting in lieu thereof the following:

9 "fund or the weed fund from the fund of the drainage district
10 thus benefited."

11 7. By striking from line fifty-four (54) the word "drainage".

12 8. By striking from line sixty (60) the word "may" and in-
13 serting in lieu thereof the word "shall".

14 9. By striking lines sixty-six (66) through seventy-eight
15 (78), inclusive, and inserting in lieu thereof the words "before
16 final action. If the estimated".

17 10. By striking from line eighty-two (82) the words "as
18 defined in this section".

19 11. By striking from lines ninety-one (91) and ninety-two
20 (92) the words "as defined in this section".

21 12. By striking line one hundred ten (110) and inserting
22 in lieu thereof the following:

23 "ceed as provided in section four hundred fifty-five point
24 forty-five (455.45).

25 In the event that the estimated cost of the improvements
26 as contemplated in this section should exceed the original cost
27 of the district plus the cost of subsequent improvements in
28 the district, a majority of the landowners, owning in the aggre-
29 gate more than seventy percent of the total land in said dis-
30 trict, may file a written remonstrance against said improvement,
31 at or before the time fixed for hearing on said improvement,
32 with the county auditor, or auditors in case the district ex-
33 tends into more than one county. If such remonstrance is filed,
34 the board shall discontinue and dismiss all further proceedings
35 on said improvement and charge the costs incurred to date for

1 said proposed improvement to the district. Any inter-".

2 13. By striking lines one hundred thirty-six (136) through
3 one hundred forty-three (143), inclusive, and inserting in lieu
4 thereof the following:

5 "chapter four hundred seventy-two (472). If additional right-
6 of-way is required for any repair or improvement under this
7 section, the same may be acquired in the same manner as pro-
8 vided for the acquisition of right-of-way in the original es-
9 tablishment of a district, except that where notice and hear-
10 ing are not otherwise required under this section notice as
11 provided in this chapter to owners, lienholder of record, and
12 occupants of the land from which right-of-way is to be acquired
13 shall suffice.

14 7. In existing districts where the stream has by".

15 14. By striking lines one hundred fifty-five (155) through
16 one hundred eighty-four (184), inclusive.

17 15. By striking from line one hundred eighty-five (185)
18 the numeral "9" and inserting in lieu thereof the numeral "8".

19 16. By striking from lines one hundred eighty-nine (189)
20 and one hundred ninety (190) the words "an engineer", and in-
21 serting in lieu thereof the words "a land surveyor".

22 17. By striking from lines one hundred ninety-two (192)
23 and one hundred ninety-three (193) the word "engineer" and in-
24 serting in lieu thereof the words "land surveyor".

25 18. By striking line one hundred ninety-seven (197) and
26 inserting in lieu thereof the words "record and occupants of
27 the lands traversed by said right-of-way in".

28 19. By striking all of such section after the period in
29 line one hundred ninety-nine (199).

30 Sec. 22. Section four hundred fifty-five point one hundred
31 thirty-seven (455.137), Code 1966, is hereby amended as follows:

32 1. By inserting in line three (3), after the word "areas",
33 the words "and other flood and erosion control devices".

34 2. By striking from lines four (4) and five (5) the words
35 "at such times as outletting is retarded".

1 3. By inserting in line eleven (11), after the word "agree-
2 ment," the words "or by exercise of the right of eminent domain".

3 Sec. 23. Chapter four hundred fifty-five (455), Code 1966,
4 is hereby amended by inserting after section four hundred fifty-
5 five point one hundred ninety-six (455.196) the following new
6 section:

7 "1. a. When a levee district shall have been located and
8 finally established; or

9 b. When the required proceedings have been taken to enlarge,
10 extend, strengthen, raise, relocate, reconstruct, or improve
11 any existing levee; or

12 c. When the required proceedings have been held to annex
13 additional lands to said levee district or to exclude or elim-
14 inate lands from said levee district; or

15 d. When a plan of the United States government for the con-
16 struction of any levee, or a portion of a levee, in said levee
17 district, or from the enlarging, extending, strengthening, rais-
18 ing, relocating, reconstructing, or improving any existing levee,
19 or a portion thereof, in accordance with any such plan in said
20 levee district, has been heretofore or hereafter adopted by
21 such levee district under the provisions of sections four hun-
22 dred fifty-five point two hundred one (455.201) to four hundred
23 fifty-five point two hundred sixteen (455.216) inclusive; or

24 e. When the board shall, as authorized by section four hun-
25 dred fifty-five point seventy-two (455.72), determine that the
26 assessments of benefits of said levee district against the lands
27 in said levee district are generally inequitable the board may
28 by resolution, or if a petition is filed by more than one-third
29 of the owners, including corporations, of land within said levee
30 district and who in the aggregate own more than one-third of
31 the value of the land and land improvements in said levee dis-
32 trict as the value thereof is then shown by the general tax
33 records of the county or counties in which such land and land
34 improvements are located, requesting the board to do so, the
35 board shall order the lands in said levee district and the im-

1 improvements on the land in said levee district classified or
2 reclassified in accordance with the assessed taxable value of
3 said land and land improvements as the same are then shown and
4 as the same may be thereafter shown by the assessment roll of
5 the county or counties in which said land and land improvements
6 are located.

7 The assessed taxable value of any land, including land im-
8 provements exempt from general taxation but subject to assess-
9 ment for levee purposes, shall be determined by the county as-
10 sessor who shall make such determination in accordance with
11 the rules of assessment applicable to adjacent lands and with-
12 out any additional compensation therefor.

13 2. If the board orders classification or reclassification
14 of lands as authorized in subsection one (1) of this section,
15 the board shall fix a time and place for a hearing to be held
16 upon the action of the board in ordering such classification
17 or reclassification, which hearing shall be held at the county
18 seat of the county having the largest acreage in said levee
19 district. The board shall cause notice of the time and place
20 of such hearing to be served by the county auditor or auditors
21 upon each person whose name appears as owner of lands or land
22 improvements within the levee district in the transfer books
23 of the auditor's office in the county or counties in which said
24 levee district is located, naming him, and also upon the person
25 or persons in actual occupancy of any tract of land or land
26 improvements located in said levee district, without naming
27 him. Such notice shall be for the same time and served in the
28 same manner as is provided for the establishment of a levee
29 district, and such notice shall state:

30 a. The aggregate estimated costs and expenses which the
31 board proposes to assess under such classification or reclass-
32 ification;

33 b. The total aggregate assessed taxable value of all lands
34 and land improvements in said levee district;

35 c. That the said classification or reclassification of bene-

1 fits will be based on the assessed taxable value of all lands
2 and improvements to lands located in said levee district;
3 d. That each tract of land and each land improvement in
4 said levee district will be assessed for its pro rata share
5 of said costs and expenses based upon the ratio that the as-
6 sessed value of each tract of land and the assessed value of
7 each land improvement bears to the total assessed taxable value
8 of all lands and all land improvements in said district; and

9 e. That all objections to said method of classification
10 or reclassification shall be in writing and filed with the au-
11 ditor of the county in which said land or land improvements
12 are located before the time set for said hearing or with the
13 board of trustees of said district at or before the time set
14 for such hearing.

15 The notice need not show the amount of such costs and ex-
16 penses to be apportioned to each such owner or to any partic-
17 ular tract of land or land improvement within such levee dis-
18 trict.

19 3. If at or before the time set for said hearing as to such
20 classification or reclassification, there shall have been filed
21 with the county auditor, or auditors in case the district extends
22 into more than one county, or with said board, a remonstrance
23 or remonstrances or objections to such method of classification
24 or reclassification signed by owners of land and land improve-
25 ments in the levee district aggregating sixty percent of the
26 total assessed value of the lands plus land improvements in
27 said district as shown by the taxing records in said county
28 or counties in which said district is located, the board shall
29 abandon the alternative method of classification or reclassi-
30 fication herein authorized. The board may then proceed to clas-
31 sify the lands in said levee district as authorized under sec-
32 tions four hundred fifty-five point forty-five (455.45) to four
33 hundred fifty-five point fifty-one (455.51) inclusive, or may
34 proceed to reclassify the same as authorized under section four
35 hundred fifty-five point seventy-two (455.72) unless said re-

1 monstrences and objections filed as above provided are filed
2 by a majority of the landowners in the levee district and these
3 remonstrants and objectors in the aggregate own seventy per-
4 cent or more of the acreage of lands in the levee district and,
5 in writing, object to any reclassification of any kind, then
6 the board shall not reclassify the lands within the district
7 under the provision of this section nor shall the same be re-
8 classified under the provisions of section four hundred fifty-
9 five point seventy-two (455.72).

10 4. At the time fixed or at any adjourned hearing if the
11 remonstrances and objections filed at or before the hearing
12 are not signed by sufficient number of owners, or the owners
13 signing such remonstrances and objections do not meet the re-
14 quirements hereinabove provided, then the board shall fully
15 consider all objections and remonstrances and shall make a de-
16 termination as to whether or not the costs and expenses shall
17 be assessed:

18 a. By the alternative method hereinabove set forth; or

19 b. As provided by sections four hundred fifty-five point
20 forty-five (455.45) to four hundred fifty-five point fifty
21 one (455.51), inclusive; or

22 c. That the land should be reclassified as provided in sec-
23 tion four hundred fifty-five point seventy-two (455.72); or

24 d. On the basis of a then existing classification of lands.

25 5. If the board shall determine that the cost and expenses
26 shall be assessed on the basis of assessed taxable value as
27 hereinabove provided, then such basis shall be used for all
28 future assessments made for the purposes of said levee district
29 except if said assessed taxable value of lands and land improve-
30 ments in said levee district may be changed or revised by the
31 county assessor in the county or counties in which the same
32 are located for general tax purposes, then any such revision
33 made in the assessed taxable value by any such county assessor
34 shall automatically constitute a revision of the classification
35 of such land or land improvements for future assessments made

1 by the board for the purpose of said levee district.

2 6. In lieu of the hearing provided for in the preceding
3 subsections, the board may, and if the petition of owners pro-
4 vided for in the preceding subsections so asks, the board shall
5 call for an election for the purpose of determining the question
6 of classification on the basis of assessed value of lands and
7 land improvements.

8 The question may be submitted at a regular election of the
9 district or at a special election called for that purpose. The
10 provisions of sections forty-nine point forty-three (49.43)
11 through forty-nine point forty-nine (49.49) and of chapter four
12 hundred sixty-two (462) of the Code, insofar as the same are
13 applicable, shall govern all such elections, and the question
14 to be submitted shall be set forth in the notice of election.

15 If sixty percent of the votes cast be in favor of the pro-
16 posed change in assessment, it shall become effective for all
17 future assessments as heretofore provided in this section. If
18 the question should fail, no new election on the subject may
19 be called for a period of one year.

20 7. When a levee district has been established and constructed,
21 as an alternative to the other methods prescribed by law, upon
22 reclassification, the levee district may adopt a method of class-
23 ification and assessment uniform as to all land in the district,
24 including railroad land, public highways and other public land
25 and land exempt from general taxation, based on the total amount
26 to be assessed divided by the total acres within the district.
27 This method of classification and assessment may be adopted
28 either by hearing or by election and shall become effective
29 as heretofore provided in this section.

30 8. When a drainage district or drainage and levee district
31 has been established and constructed, and after the lands therein
32 have been classified in accordance with the provisions of sec-
33 tions four hundred fifty-five point forty-six (455.46), four
34 hundred fifty-five point forty-seven (455.47), and four hun-
35 dred fifty-five point forty-eight (455.48) or reclassified in

1 accordance with section four hundred fty-five point seventy-
2 two (455.72), the district may adopt methods of assessment for
3 maintenance, repair, and operation of said district uniform
4 as to all land in the district in the same manner and by the
5 same procedures as prescribed in subsections one (1) through
6 seven (7) of this section. Provided, however, that only those
7 lands drained by respective mains and laterals shall be assessed
8 for maintenance, repair, and operation of said mains and lat-
9 erals, and provided further that this alternate method of as-
10 sessment shall not be applied to making improvements in the
11 drainage system.

12 9. Following the adoption of any alternative method of clas-
13 sification or assessment as provided in this section, the same
14 shall continue in effect until such time as the method is changed
15 pursuant to this section or to section four hundred fifty-five
16 point seventy-two (455.72) of the Code."

17 Sec. 24. Section four hundred fifty-five point two hundred
18 twelve (455.212), Code 1966, is hereby amended as follows:

19 1. By striking from line nine (9) the word "four" and in-
20 sserting in lieu thereof the words "not to exceed five".

21 2. By striking from line eleven (11) the word "four" and
22 inserting in lieu thereof the words "not to exceed five".

23 Sec. 25. Chapter four hundred fifty-five (455), Code 1966,
24 is hereby amended by adding thereto the following new section:

25 "Chapter seventy-four (74) of the Code shall be applicable
26 to all warrants which are legally drawn on levee and drainage
27 district funds and are not paid for want of funds, except that
28 such warrants shall bear interest at not to exceed five percent
29 per annum."

30 Sec. 26. Chapter four hundred fifty-five (455), Code 1966,
31 is hereby amended by adding thereto the following new section:

32 "As used in this section, person shall mean any individual
33 or group of individuals, corporation, firm, company, or associa-
34 tion, except a railroad company.

35 1. When any person proposes to construct a pipeline, elec-

1 tric transmission line, communication line, underground ser-
2 vice line, or other similar installations on, over, across,
3 or beneath the right-of-way of any drainage or levee district,
4 such person shall, before beginning construction, obtain from
5 the drainage or levee district an easement to cross the dis-
6 trict's right-of-way. The governing body of the district may,
7 as a condition of granting such easement, attach thereto such
8 conditions as they deem necessary. When the necessary ease-
9 ment has been obtained, such person shall construct the instal-
10 lation at his own expense and shall pay all costs of any re-
11 construction, relocation, modification, or reinstallation of
12 the drainage or levee district's facility which may be neces-
13 sary as a result of construction of the installation for which
14 the easement was granted.

15 2. After construction of the installation has been completed
16 in accordance with all conditions under which the easement is
17 granted, the drainage or levee district shall maintain its facil-
18 ity at its own expense, and the person who constructed the in-
19 stallation, or his successors in interest, shall maintain the
20 installation at his own expense. If the drainage or levee dis-
21 trict subsequently undertakes any maintenance, improvement,
22 or reconstruction of its facility which requires the modifica-
23 tion, relocation, or reconstruction of the installation, the
24 expense of such modification, relocation, or reconstruction
25 shall be borne by the person who constructed the installation
26 or his successors in interest."

27 Sec. 27. Chapter four hundred fifty-five (455), Code 1966,
28 is hereby amended by adding thereto the following new section:

29 "All proceedings taken prior to July 1, 1968 purporting to
30 establish or reestablish a drainage or levee district or dis-
31 tricts, or to enlarge or change the boundaries of any drain-
32 age or levee district, and any assessments not heretofore de-
33 clared invalid by any court, are hereby legalized, validated,
34 and confirmed.

35 The foregoing shall not be construed to affect any litigation

1 that may be pending at the time this section becomes effective
2 involving the establishment, reestablishment, enlargement, or
3 change in boundaries or any assessments of drainage or levee
4 districts.”

5 Sec. 28. Chapter four hundred fifty-five (455), Code 1966,
6 is hereby amended by adding thereto the following new section:

7 “Levee and drainage districts are empowered to enter into
8 agreements with the owners of lands lying outside of said dis-
9 tricts, or with other levee and drainage districts or munici-
10 palities, to provide levee protection or drainage for such lands
11 on such terms as the board may agree and subject to the follow-
12 ing terms and conditions:

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

15 2. There shall be no additional cost to the district furnish-
16 ing the service.

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

19 a. The description of the lands to be served;

20 b. The location of tile lines constructed or to be constructed;

21 c. The consideration to be paid to the district furnishing
22 the service and the classification of the lands to be served;
23 and

24 d. Such other provisions as the board deems necessary.”

25 Sec. 29. Section four hundred fifty-seven point two (457.2),
26 Code 1966, is hereby amended by striking lines five (5) through
27 seven (7), inclusive, and inserting in lieu thereof the words
28 “point a commissioner and the joint boards shall appoint a”.

29 Sec. 30. Chapter four hundred fifty-seven (457), Code 1966,
30 is hereby amended by adding thereto the following new sections:

31 1. “A record of all proceedings of an intercounty levee
32 or drainage district shall be maintained by the auditor of each
33 county in which a portion of the district lies, as provided
34 by sections four hundred fifty-five point one hundred eighty-
35 five (455.185) and four hundred fifty-five point one hundred

1 eighty-six (455.186), but the records in the office of the au-
2 ditor of the county having the largest acreage in the district
3 shall be the official records of said district.”

4 2. “When an intercounty district has been finally estab-
5 lished and original construction completed and final settle-
6 ment made with the contractor, as provided by section four hun-
7 dred fifty-seven point twenty-three (457.23), the treasurer
8 of the county having the largest acreage of the district shall
9 be the depository for all funds of the district and the treas-
10 urer of the other counties in which the district is situated
11 shall periodically, at least annually, pay over all district
12 funds received within said period to the treasurer of the county
13 with the largest acreage, except that funds payable on improve-
14 ment certificates or bonds shall be disbursed to the holders
15 of the certificates or bonds by the treasurer of the county
16 in which the land encumbered is located.”

17 Sec. 31. Section four hundred fifty-nine point six (459.6),
18 Code 1966, is hereby amended as follows:

19 1. By striking from line seven (7) the words “and parks”
20 and inserting in lieu thereof the words “parks, and other lands”.

21 2. By striking from lines eight (8) and nine (9) the words
22 “and the township trustees”.

23 Sec. 32. Section four hundred fifty-nine point eight (459.8),
24 Code 1966, is hereby repealed and the following adopted in lieu
25 thereof:

26 “If the board of supervisors of any county at any time finds
27 that twenty-five percent or more of the total area of any estab-
28 lished drainage district is located within the corporate limits
29 of any city or town, that the district’s drains are wholly or
30 partially constructed of sewer tile, and that the district’s
31 drain or drains are needed or being used by the city or town
32 for storm sewer or drainage purposes, the board may by resolu-
33 tion transfer to the city or town control of the entire drain-
34 age district, including the portion outside the corporate limits
35 of the city or town.”

1 Sec. 33. Section four hundred fifty-nine point nine (459.9),
2 Code 1966, is hereby repealed and the following adopted in lieu
3 thereof:

4 "When a county board of supervisors elects to transfer con-
5 trol of a drainage district to a city or town, as provided in
6 section four hundred fifty-nine point eight (459.8), the res-
7 olution effecting the transfer shall state a time not less than
8 thirty nor more than ninety days after adoption of the resolu-
9 tion when the transfer of control shall take effect. The res-
10 olution shall be certified to the governing body of the city
11 or town and a copy thereof filed by the county auditor, who
12 shall spread the same upon the records of the drainage district."

13 Sec. 34. Section four hundred fifty-nine point ten (459.10),
14 Code 1966, is hereby repealed and the following adopted in lieu
15 thereof:

16 "It shall be the duty of the governing body of any city or
17 town to accept control of and thereafter to administer a drain-
18 age district properly transferred to the city or town, commenc-
19 ing on the date specified in the resolution of the county board
20 of supervisors certified to the governing body as provided in
21 section four hundred fifty-nine point nine (459.9), or at such
22 later date as may be agreed to by the county board upon request
23 of the governing body."

24 Sec. 35. Section four hundred sixty-two point twelve (462.12),
25 Code 1966, is hereby amended by striking from lines twelve (12)
26 and thirteen (13) the words "for benefits" and inserting in
27 lieu thereof the words "under the current classification".

28 Sec. 36. Section four hundred sixty-two point thirty-five
29 (462.35), Code 1966, is hereby amended by striking from lines
30 two (2) and three (3) the words "seven dollars" and inserting
31 in lieu thereof the words "seventeen dollars and fifty cents".

32 Sec. 37. Section four hundred sixty-five point one (465.1),
33 Code 1966, is hereby amended as follows:

34 1. By striking from lines nine (9) and ten (10) the words
35 "township clerk of the township" and inserting in lieu thereof

1 the words "auditor of the county".

2 2. By adding thereto the following:

3 "The auditor shall collect a fee of one dollar for filing
4 each application for a ditch or drain."

5 Sec. 38. Section four hundred sixty-five point two (465.2),
6 Code 1966, is hereby amended as follows:

7 1. By striking from line two (2) the word "clerk" and insert-
8 ing in lieu thereof the word "auditor".

9 2. By striking from lines four (4) and five (5) the words
10 "township trustees of his township" and inserting in lieu thereof
11 the words "county board of supervisors".

12 3. By striking from lines sixteen (16) and seventeen (17)
13 the words "township trustees" and inserting in lieu thereof
14 the words "board of supervisors".

15 Sec. 39. Section four hundred sixty-five point four (465.4),
16 Code 1966, is hereby amended as follows:

17 1. By striking from line three (3) the word "trustees" and
18 inserting in lieu thereof the word "board".

19 2. By striking from line nine (9) the word "trustees" and
20 inserting in lieu thereof the word "board".

21 Sec. 40. Section four hundred sixty-five point five (465.5),
22 Code 1966, is hereby amended by striking from lines five (5)
23 and six (6) the words "township clerk" and inserting in lieu
24 thereof the word "auditor".

25 Sec. 41. Section four hundred sixty-five point six (465.6),
26 Code 1966, is hereby amended as follows:

27 1. By striking from line two (2) the word "trustees" and
28 inserting in lieu thereof the word "board".

29 2. By striking from line twelve (12) the word "trustees"
30 and inserting in lieu thereof the word "board".

31 Sec. 42. Section four hundred sixty-five point seven (465.7),
32 Code 1966, is hereby amended by striking from line two (2) the
33 word "trustees" and inserting in lieu thereof the word "super-
34 visors".

35 Sec. 43. Section four hundred sixty-five point eight (465.8),

1 Code 1966, is hereby amended as follows:

2 1. By striking lines one (1) through four (4) and insert-
3 ing in lieu thereof the following:

4 "The board shall reduce its findings, decision, and deter-
5 mination to writing, which shall be filed with the auditor,
6 who shall record it".

7 2. By striking from line five (5) the word "trustees" and
8 inserting in lieu thereof the word "board's".

9 3. By striking from line nine (9) the word "trustees" and
10 inserting in lieu thereof the word "board".

11 Sec. 44. Section four hundred sixty-five point nine (465.9),
12 Code 1966, is hereby amended as follows:

13 1. By striking from line four (4) the word "clerk" and in-
14 serting in lieu thereof the word "auditor".

15 2. By striking from line thirteen (13) the words "township
16 clerk" and inserting in lieu thereof the word "auditor".

17 Sec. 45. Section four hundred sixty-five point ten (465.10),
18 Code 1966, is hereby amended as follows:

19 1. By striking from line two (2) the words "township clerk"
20 and inserting in lieu thereof the word "auditor".

21 2. By striking from line four (4) the word "trustees" and
22 inserting in lieu thereof the word "board".

23 Sec. 46. Section four hundred sixty-five point eleven (465.11),
24 Code 1966, is hereby amended by striking from line nine (9)
25 the word "trustees" and inserting in lieu thereof the word "board".

26 Sec. 47. Section four hundred sixty-five point thirteen
27 (465.13), Code 1966, is hereby amended as follows:

28 1. By striking from lines two (2) and three (3) the words
29 "trustees and clerk" and inserting in lieu thereof the words
30 "board and auditor".

31 2. By striking from line five (5) the word "trustees" and
32 inserting in lieu thereof the word "board".

33 3. By striking from line six (6) the words "said trustees"
34 and inserting in lieu thereof the words "the board".

35 Sec. 48. Section four hundred sixty-five point fourteen

1 (465.14), Code 1966, is hereby amended as follows:

2 1. By striking from line six (6) the word "trustees" and
3 inserting in lieu thereof the word "board".

4 2. By striking from line eight (8) the word "trustees" and
5 inserting in lieu thereof the word "board".

6 Sec. 49. Section four hundred sixty-five point fifteen (465.15),
7 Code 1966, is hereby amended as follows:

8 1. By striking from line three (3) the word "trustees" and
9 inserting in lieu thereof the word "board".

10 2. By striking from line eight (8) the word "trustees" and
11 inserting in lieu thereof the word "board".

12 3. By striking from lines nine (9) and ten (10) the word
13 "trustees" and inserting in lieu thereof the word "board".

14 4. By striking from line twelve (12) the words "township
15 clerk" and inserting in lieu thereof the word "auditor".

16 5. By striking from line thirteen (13) the word "trustees"
17 and inserting in lieu thereof the word "board".

18 Sec. 50. Section four hundred sixty-five point sixteen (465.16),
19 Code 1966, is hereby amended as follows:

20 1. By striking from line three (3) the words "township clerk"
21 and inserting in lieu thereof the word "auditor".

22 2. By striking from line eleven (11) the words "township
23 clerk" and inserting in lieu thereof the word "auditor".

24 Sec. 51. Section four hundred sixty-five point seventeen
25 (465.17), Code 1966, is hereby amended by striking from lines
26 six (6) and seven (7) the words "township clerk" and inserting
27 in lieu thereof the word "auditor".

28 Sec. 52. Section four hundred sixty-five point eighteen
29 (465.18), Code 1966, is hereby amended by striking from lines
30 three (3) and four (4) the words "said trustees" and inserting
31 in lieu thereof the words "the county board of supervisors".

32 Sec. 53. Section four hundred sixty-five point twenty (465.20),
33 Code 1966, is hereby amended as follows:

34 1. By striking from lines seven (7) and eight (8) the words
35 "township trustees of the township" and inserting in lieu thereof

1 the words "board of supervisors of the county".

2 2. By striking from line fifteen (15) the word "trustees"
3 and inserting in lieu thereof the word "board".

4 Sec. 54. Section four hundred sixty-five point twenty-one
5 (465.21), Code 1966, is hereby amended as follows:

6 1. By striking from line four (4) the word "townships" and
7 inserting in lieu thereof the word "counties".

8 2. By striking from line six (6) the words "board of trus-
9 tees" and inserting in lieu thereof the words "boards of super-
10 visors".

11 3. By striking from lines six (6) and seven (7) the word
12 "townships" and inserting in lieu thereof the word "counties".

13 4. By striking all of line ten (10) and inserting in lieu
14 thereof the words "of the two counties."

15 Sec. 55. Section four hundred sixty-five point twenty-four
16 (465.24), Code 1966, is hereby amended by striking from line
17 two (2) the word "may" and inserting in lieu thereof the word
18 "shall".

19 Sec. 56. Section four hundred sixty-five point twenty-five
20 (465.25), Code 1966, is hereby amended as follows:

21 1. By striking from lines three (3) and four (4) the words
22 "a scale not larger than sixteen inches to one mile" and insert-
23 ing in lieu thereof the word "scale".

24 2. By striking all after line ten (10) and inserting in
25 lieu thereof the following:

26 "by any landowner. Plats so offered for record shall be
27 drawn to scale on paper measuring eight and one-half by eleven
28 inches, giving distances in feet and indicating the size of
29 tile used, length and location of tile lines as installed with
30 reference to government corners and subdivisions."

31 Sec. 57. Section four hundred sixty-five point twenty-six
32 (465.26), Code 1966, is hereby amended by striking all of such
33 section after the word "oath" in line twenty (20), and insert-
34 ing in lieu thereof a period.

35 Sec. 58. Section four hundred sixty-five point thirty (465.30),

1 Code 1966, is hereby amended as follows:

2 1. By striking from line seven (7) the word "trustees" and
3 inserting in lieu thereof the word "supervisors".

4 2. By striking from line eight (8) the word "trustees" and
5 inserting in lieu thereof the word "board".

6 3. By striking from line ten (10) the word "trustees" and
7 inserting in lieu thereof the word "board".

8 4. By striking from line sixteen (16) the word "trustees"
9 and inserting in lieu thereof the word "supervisors".

10 Sec. 59 Section four hundred sixty-five point thirty-one
11 (465.31), Code 1966, is hereby amended by striking all of lines
12 six (6) through thirteen (13) and inserting in lieu thereof
13 the words "as the board of supervisors desires, the board by
14 resolution".

15 Sec. 60. Section four hundred sixty-five point thirty-two
16 (465.32), Code 1966, is hereby amended by striking from line
17 two (2) the word "trustees" and inserting in lieu thereof the
18 words "board of supervisors".

19 Sec. 61. Section four hundred sixty-six point four (466.4),
20 Code 1966, is hereby amended by inserting in line six (6), after
21 the word "land", the words "and improvements".

22 Sec. 62. Section four hundred sixty-six point five (466.5),
23 Code 1966, is hereby amended as follows:

24 1. By inserting in line seven (7), after the word "lands,"
25 the word "improvements,".

26 2. By striking from line nine (9) the word "exceed" and
27 inserting in lieu thereof the word "exceeds".

28 3. By inserting in line eleven (11), after the word "in-
29 stallments", the words "of twenty or less".

30 4. By striking from line fifteen (15) the word "ten" and
31 inserting in lieu thereof the word "twenty".

32 Sec. 63. Section four hundred sixty-six point seven (466.7),
33 Code 1966, is hereby amended as follows:

34 1. By inserting in line thirteen (13), after the word "lands",
35 the words "and improvements".

1 2. By inserting in line seventeen (17), after the word "work",
2 the following:

3 "except that if such work is of the kinds contemplated by
4 section four hundred fifty-five point one hundred thirty-five
5 (455.135), and the cost thereof is within the limitations of
6 said section, or is of the kinds contemplated by section four
7 hundred fifty-five point two hundred one (455.201), and the
8 cost thereof is within the limitations of said section, then
9 the provisions of section four hundred fifty-five point one
10 hundred thirty-five (455.135) or section four hundred fifty-
11 five point two hundred one (455.201) shall supersede the lim-
12 itations of this section."

13 Sec. 64 The county board of supervisors of any county of
14 this state in which one or more drainage districts are estab-
15 lished may by resolution establish a board of county drainage
16 administrators. All of the powers, duties, and responsibili-
17 ties now or hereafter conferred on county boards of supervisors
18 in chapters four hundred fifty-five (455), four hundred fifty-
19 six (456), four hundred fifty-seven (457), four hundred fifty-
20 eight (458), four hundred fifty-nine (459), four hundred sixty
21 (460), four hundred sixty-one (461), four hundred sixty-two
22 (462), four hundred sixty-three (463), four hundred sixty-four
23 (464), four hundred sixty-five (465) as amended by this Act,
24 four hundred sixty-six (466), and four hundred sixty-seven (467)
25 of the Code shall thereupon be transferred to and thereafter
26 exercised by the board of county drainage administrators.

27 Sec. 65. When establishing a board of county drainage ad-
28 ministrators, the board of supervisors shall divide the county,
29 along township lines, into three drainage administrator areas
30 of approximately equal territory. The board of county drain-
31 age administrators shall consist of one resident freeholder
32 appointed by the county board of supervisors from each area,
33 and at least two of the administrators shall be agricultural
34 landowners. The members first appointed shall hold office for
35 terms of one, two, and three years respectively, as indicated

1 and fixed by the county board of supervisors. Thereafter, suc-
2 ceeding members shall be appointed for a term of three years,
3 except that vacancies occurring otherwise than by expiration
4 of a term shall be filled by appointment for the unexpired term.
5 Any member of the board of county drainage administrators who
6 shall cease to have any of the qualifications prescribed by
7 this section shall thereupon be disqualified as a member of
8 the board and his office shall be deemed vacant. Members of
9 the board of county drainage administrators may be removed by
10 the county board of supervisors for cause, but every such re-
11 moval shall be by written order which shall be filed with the
12 county auditor.

13 Sec. 66. The members of the board of county drainage ad-
14 ministrators shall each receive seventeen dollars and fifty
15 cents per day for each day actually devoted to the duties of
16 their office, ten cents for every mile traveled in going to
17 and from meetings of, or other places of performing the duties
18 of, said board, and other actual and necessary expenses incurred
19 in the performance of their duties.

20 Sec. 67. The compensation and expenses of the county board
21 of drainage administrators, for each day or portion thereof
22 necessarily expended in the transaction of the business of a
23 drainage or levee district, shall be paid out of the funds of
24 the district served. The administrators shall file with the
25 auditor or auditors, as the case may be, itemized, verified
26 statements of their time devoted to the business of the dis-
27 trict and the expenses incurred. If the administrators trans-
28 act business of more than one district on a given day, they
29 shall prorate their claims for compensation proportionately
30 among the districts served on that day, but in no case shall
31 a member of the board of county drainage administrators claim
32 or receive a sum in excess of seventeen dollars and fifty cents,
33 plus actual and necessary expenses, for a single day.

34 Sec. 68. Nothing in this Act shall be constructed to deny
35 any drainage or levee district the power to establish a board

- 1 of trustees in the manner provided by chapter four hundred sixty-
- 2 two (462) of the Code.

EXPLANATION OF HOUSE FILE 16

This bill makes a substantial number of amendments and additions to existing Iowa statutes, which have been recommended by the Drainage Laws Study Committee, on the basis of its work over the past three years. See the report of the Drainage Laws Study Committee, contained in the Report of the Iowa Legislative Research Committee to the first session of the Sixty-third General Assembly.

- 1 Amend Senate File 16 as follows:
- 2 1. Amend page 3, line 9, by striking the words "of
- 3 lands" and inserting in lieu thereof the words "to lands".
- 4 2. Amend page 6, line 27, by striking the word "seven
- 5 (7)" and inserting in lieu thereof the word "eight (8)".

Filed
February 4, 1969

By NEU

- 1 Amend Senate File 16 as follows: *By - Neu 2-4-69*
- 2 1. Amend page 3, line 9, by striking the words "of
- 3 lands" and inserting in lieu thereof the words "to lands".
- 4 2. Amend page 6, line 27, by striking the word "seven
- 5 (7)" and inserting in lieu thereof the word "eight (8)".

Filed
February 4, 1969

By NEU

- 1 Amend Senate File 16 as follows:
- 2 1. By striking from page 1, lines 13 through 18.
- 3 2. By striking from page 2, lines 5 through 25.
- 4 3. By striking from page 4, line 4 to the end of page.
- 5 4. By striking from page 5, lines 1 and 2.
- 6 5. By striking on page 5, lines 5 and 6, and renumbering
- 7 subsection 2 thereof as subsection 1.
- 8 6. By striking on page 5, lines 9 through 16.
- 9 7. By striking on page 17, lines 23 through 25.
- 10 8. By striking on page 18, lines 1 through 23.

Filed
March 20, 1969

By POTTER

House

- 1 Amend House File 16 as follows:
- 2 Amend House File 16, page 22, by striking all of
- 3 section 55, and by renumbering all subsequent sections.

Filed - *Withdrawn 3-27*
March 11, 1969

SCHROEDER of Pottawattamie

*Withdrawn
3-27*

- 1 Amend House File 16 as follows:
- 2 1. By striking from pages 22 all of section fifty-five (55).
- 3 2. By striking from pages 24, 25, and 26 all of sections
- 4 sixty-four (64), sixty-five (65), sixty-six (66), sixty-seven
- 5 (67), and sixty-eight (68).

Filed - *Withdrawn 3-27 Last 4-14*
March 12, 1969

REX of Hamilton

*Withdrawn
3-27*

- 1 Amend House File 16 as follows:
- 2 1. Amend page five (5), line thirty-one (31), by striking
- 3 the word "actual" and inserting in lieu thereof the word "annual".
- 4 2. Amend page six (6), line eighteen (18), by striking the
- 5 word "or" following the comma and inserting in lieu thereof the
- 6 word "a".
- 7 3. Amend page twenty-five (25), line thirty-four (34), by
- 8 striking the word "constructed" and inserting the word "construed".

*Adopted
3-27*

Filed - *Adopted 3-27*
March 13, 1969

DARRINGTON of Harrison

- 1 Amend House File 16 as follows:
- 2 1. Page 15, line eight (8), by striking the words "conditions
- 3 as they deem necessary." and inserting in lieu thereof the
- 4 following: "reasonable conditions as may be necessary to protect
- 5 the property and facilities of such district."
- 6 2. Page 15, line fourteen (14), by inserting after the period
- 7 the following: "If an easement cannot be obtained from the
- 8 drainage or levee district the same proceedings shall be taken as
- 9 provided for taking private property for works of internal
- 10 improvement."

Filed - *Last 3-27*
March 17, 1969

DARRINGTON of Harrison

- 1 Amend House File 16 by adding the following new
- 2 section:
- 3 "Sec. 69. This Act, being deemed of immediate import-
- 4 ance, shall take effect after its passage, approval, and
- 5 publication in the Fort Dodge Messenger and Chronicle, a
- 6 newspaper published at Fort Dodge, Iowa, and in the Mason
- 7 City Globe-Gazette, a newspaper published at Mason City, Iowa.

Filed - *Withdrawn 4-14*
March 21, 1969

COCHRAN of Webster
LAWSON of Cerro Gordo

House

- 1 Amend House File 16 as follows:
- 2 1. Amend page 3, line 9, by striking the words "of
- 3 lands" and inserting in lieu thereof the words "to
- 4 lands".
- 5 2. Amend page 6, line 27, by striking the word "seven
- 6 (7)" and inserting in lieu thereof the word "eight (8)".

adopted
3-27

Filed - *adopted 3-27*
March 21, 1969

COCHRAN of Webster

- 1 Amend House File 16 as follows:
- 2 1. Page 14, line thirty-five (35), by inserting after the
- 3 word "pipeline," the word "underground".
- 4 2. Page 15, line two (2), by inserting after the word
- 5 "similar" the word "underground".

Look
4-14

Filed
March 25, 1969

KREAMER of Polk

- 1 Amend the amendment to House File 16 as filed by Kreamer of
- 2 Polk on March 25, 1969, by striking all of lines four (4) and
- 3 five (5).

Filed and adopted
March 27, 1969

KREAMER of Polk

- 1 Amend House File 16 as follows:
- 2 Page 22, by striking all of lines fifteen (15) through
- 3 eighteen (18) and inserting in lieu thereof the following:
- 4 "Sec. 55. Section four hundred sixty-five point twenty-
- 5 four (465.24), Code 1966, is hereby amended by inserting after
- 6 the word 'located' in line five (5) the following: ', provided
- 7 any drainage system constructed after July 1, 1969, shall be
- 8 made a matter of record.'"

Filed and adopted
March 27, 1969

SCHROEDER of Pottawattamie
VARLEY of Adair-Madison

- 1 Amend House File 16 as follows:
- 2 1. By striking all of section four (4), six (6), eleven (11),
- 3 and twelve (12).
- 4 2. By striking subsection one (1) of section thirteen (13) and
- 5 renumbering subsection two (2) thereof as subsection one (1).
- 6 3. By striking all of sections fourteen (14), thirty-two (32),
- 7 thirty-three (33), and thirty-four (34). *Look 4-14*
- 8 4. By renumbering all sections subsequent to section three (3).

Filed - *adopted except [] material, 4-14*
April 2, 1969

HUFF of Polk

House

1 Amend House File 16 as follows:

2 Page 26 by inserting the following new section:

3 "Sec. 69. Section four hundred fifty-five point one hundred
4 thirty-six (455.136), Code 1966, is amended by adding thereto the
5 following:

6 1. At the discretion of the board of supervisors, a revolving
7 fund may be set up in the maximum amount of forty thousand dollars
8 from which warrants may be drawn for purposes of paying for labor

or
9 materials expense, or both, incurred by reason of maintenance work
10 accomplished in drainage districts, and for payment of clerical
11 expenses involved in assessment procedures in drainage districts.

12 2. The original amount placed in the revolving fund, up to the
13 maximum amount, shall be obtained by assessment of all drainage
14 districts in the county. This assessment procedure shall utilize
15 the latest benefit commissioners report for each drainage district
16 and each district shall be assessed a percentage of the total re-
17 volving fund amount based on the ratio of the total cost of each
18 district to the total cost of all districts in the county.

19 3. At any time deemed necessary, the board of supervisors may
20 replenish the revolving fund, up to the maximum amount, by assessing
21 each drainage district an amount equal to the amount drawn from the
22 revolving fund by each district since the last assessment."

23 EXPLANATION OF AMENDMENT

24 Under present drainage law, an assessment cannot be made
25 against a drainage district for maintenance or repair until such
26 work has been accomplished. Therefore, in most cases there is
27 little or no money available for payment of bills. The normal
28 procedure is to issue "stamped warrants" which carry no due date.
29 Contractors and laborers are reluctant to accept such payment so
30 it is extremely difficult to employ workmen for drainage district
31 work.

Filed - Lost 4-14
April 1, 1969

REX of Hamilton

1 Amend House File 16 as follows:

2 1. Amend page fifteen (15), line eight (8), by striking
3 the period and inserting in lieu thereof the following:

4 ", except that electric transmission-line standards of
5 construction and clearances shall be those prescribed in
6 accordance with chapter four hundred eighty-nine (489) of the
7 Code, and rules and regulations promulgated thereunder."

Filed - Lost 4-14
April 3, 1969

FISHER of Greene

House

-
- 1 Amend House File 16 by adding a new section as
 - 2 follows:
 - 3 Section four hundred sixty-six point four (466.4),
 - 4 Code 1966, is hereby amended by striking in lines
 - 5 eight (8) and nine (9) the words "that where the
 - 6 proposed improvement is for drainage only,".

Filed - *Adopted 4-14*
April 11, 1969

BAILEY of Wright

-
- 1 Amend House File 16 by adding the following new section:
 - 2 "Sec. 69. The State of Iowa, its agencies and subdivisions shall
 - 3 be financially responsible for drainage and special assessments
 - 4 against land which they own, or hold title to, within existing drain-
 - 5 age districts."

Filed and adopted
April 14, 1969

BAKER of Boone

April 16, 1969

HOUSE FILE 16

By COCHRAN, WINKELMAN, TIEDEN, MILLER of Des
Moines, GANNON, DUNTON, KRUSE, MAYBERRY,
DOUGHERTY, BERGMAN, SCHMEISER
and MIDDLESWART
(Neu, Schaben and Smith)

Request of the Legislative Research Committee
(AS AMENDED AND PASSED
BY THE HOUSE)

Passed House, Date 4-14-69 Passed Senate, Date 4-19-69

Vote: Ayes 102 Nays 5 Vote: Ayes 56 Nays 1

Approved April 30, 1969

A BILL FOR

*Sub. for S.F. 16
4-14-69*

- 1 An Act relating to drainage and levee districts.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section seventy-four point two (74.2), Code 1966,
- 4 is hereby amended by striking from line ten (10) the word "drain-
- 5 age,".
- 6 Sec. 2. Section three hundred fifty-nine point forty-six
- 7 (359.46), Code 1966, is hereby amended by striking from lines
- 8 fourteen (14) and fifteen (15) the words ", or viewing or locat-
- 9 ing any ditch or drain,".
- 10 Sec. 3. Section three hundred fifty-nine point forty-seven
- 11 (359.47), Code 1966, is hereby amended by striking therefrom
- 12 all of subsection three (3).
- 13 Sec. 4. Section four hundred fifty-five point four (455.4),
- 14 Code 1966, is hereby amended by striking all of such section
- 15 after the period in line eighteen (18), and inserting in lieu
- 16 thereof the following:
- 17 "The term 'engineer' and the term 'civil engineer', within
- 18 the meaning of this chapter and chapters four hundred fifty-
- 19 seven (457), four hundred sixty (460), four hundred sixty-one
- 20 (461), four hundred sixty-five (465), and four hundred sixty-
- 21 six (466) of the Code, shall mean a person registered as a pro-
- 22 fessional engineer under the provisions of chapter one hundred
- 23 fourteen (114) of the Code."
- 24 Sec. 5. Section four hundred fifty-five point twenty-one
- 25 (455.21), Code 1966, is hereby amended by inserting in line

1 ten (10), after the word "person", the words "and to the clerk
2 or recorder of each city or town".

3 Sec. 6. Section four hundred fifty-five point twenty-nine
4 (455.29), Code 1966, is hereby amended by inserting after the
5 period in line five (5) the following:

6 "The board may by purchase acquire the necessary lands re-
7 quired for right-of-way for open ditches or other improvements
8 in lieu of condemning said lands."

9 Sec. 7. Section four hundred fifty-five point forty-five
10 (455.45), Code 1966, is hereby amended by striking from lines
11 two (2) and three (3) the words ", and the contracts for con-
12 struction let,".

13 Sec. 8. Section four hundred fifty-five point forty-eight
14 (455.48), Code 1966, is hereby repealed and the following en-
15 acted in lieu thereof:

16 "1. In fixing the percentages and assessments of benefits
17 and apportionment of costs of construction to lands benefited
18 by lateral ditches and drains as a part of the entire improve-
19 ment to be made in a drainage district, the commissioners shall
20 ascertain and fix the percentage of benefits and apportionment
21 of costs to the lands benefited by such lateral ditches on the
22 same basis and in the same manner as if said lateral was, with
23 its sublaterals, being constructed as a subdistrict as provided
24 in this chapter, reporting separately:

25 a. The percentage of benefits and amount accruing to each
26 forty-acre tract or less on account of the construction of the
27 main ditch, drain, or watercourse including pumping plant, if
28 any.

29 b. The percentage of benefits and amount accruing to each
30 forty-acre tract or less on account of the construction of such
31 lateral improvement.

32 2. When there has been a repair or improvement to a lateral
33 ditch or drain as provided in section four hundred fifty-five
34 point one hundred thirty-five (455.135) and the lands benefited
35 by the lateral have not been classified as provided in this

1 section, then the board may order a classification of said lands
2 and the commission shall ascertain and fix the percentage of
3 benefits and apportionment of costs to the lands benefited by
4 such lateral ditches or drains on the same basis and in the
5 same manner as if said lateral was with its sublaterals being
6 constructed as a subdistrict as provided in this chapter. When-
7 ever this procedure is followed for the classification of any
8 lateral ditch or drain in a given district, the board shall
9 simultaneously follow the same procedure for the main drains
10 and all other lateral ditches or drains in the district which
11 have not been classified as prescribed in this section.”

12 Sec. 9. Section four hundred fifty-five point fifty-one
13 (455.51), Code 1966, is hereby amended as follows:

14 By inserting after the word “expense” in line seventeen
15 (17) the words “, or estimated costs or expense,”.

16 Sec. 10. Section four hundred fifty-five point sixty-three
17 (455.63), Code 1966, is hereby amended by inserting after the
18 word “any” in line ten (10) the words “warrants against asses-
19 ments,”.

20 Sec. 11. Section four hundred fifty-five point sixty-four
21 (455.643, Code 1966, is hereby amended as follows:

22 1. By striking from line two (2) the word “premises” and
23 inserting in lieu thereof the word “land”.

24 2. By striking from line three (3) the word “twenty” and
25 inserting in lieu thereof the words “one hundred”.

26 Sec. 12. Section four hundred fifty-five point seventy-
27 seven (455.77), Code 1966, is hereby amended by striking line
28 one (1) and inserting in lieu thereof the following:

29 “The board may provide by resolution for the payment of as-
30 sessments in not more than twenty annual installments with in-
31 terest at not to exceed five percent per annum. The board may
32 issue warrants bearing interest at the same rate, which war-
33 rants shall be numbered and state a maturity date in which event
34 they shall bear interest from the date of issuance without being

1 Amend House File 16, as passed by the House, page three, line 31,
2 by striking the word “five” and inserting in lieu thereof the word “six”.

1 presented for payment and marked unpaid for want of funds. The
2 warrants may be sold by the board for cash in an amount not
3 less than the face value thereof, together with accrued interest,
4 if any.

5 The board”.

6 Sec. 13. Section four hundred fifty-five point eighty-one
7 (455.81), Code 1966, is hereby amended by striking from line
8 sixteen (16) the word “twenty” and inserting in lieu thereof
9 the words “one hundred”.

10 Sec. 14. Section four hundred fifty-five point ninety-one
11 (455.91), Code 1966, is hereby amended by striking from line
12 four (4) the word “twenty” and inserting in lieu thereof the
13 words “one hundred”.

14 Sec. 15. Section four hundred fifty-five point one hundred
15 eighteen (455.118), Code 1966, is hereby amended by striking
16 lines five (5) through eleven (11), inclusive, and inserting
17 in lieu thereof the following:

18 “road bridge upon, or ditch or drain crossing such road,
19 the board of supervisors shall move, build, or rebuild the same,
20 paying the costs and expenses thereof, including construction,
21 maintenance, repair and improvement costs, from the secondary
22 road fund.

23 If the bridge or crossing be upon or across a primary or
24 interstate road, the”.

25 Sec. 16. Section four hundred fifty-five point one hundred
26 thirty-five (455.135), Code 1966, is hereby amended as follows:

27 1. By inserting in line eight (8), after the word “repair”,
28 the words “as provided herein”.

29 2. By striking lines twenty-six (26) through thirty (30),
30 inclusive, and inserting in lieu thereof the following:

31 “be considered to be a repair. If the estimated cost of
32 any repair exceeds seventy-five percent of the original total
33 cost of the district and subsequent improvements therein, the
34 board shall set”.

35 3. By inserting in line thirty-five (35), after the word

1 "repairs," the word "and".

2 4. By inserting after the period in line forty (40) the
3 words "The right of remonstrance shall not apply to repairs
4 as defined in this section."

5 5. By striking from line forty-three (43) the words "five
6 hundred" and inserting in lieu thereof the words "one thousand".

7 6. By striking lines forty-nine (49) and fifty (50) and
8 inserting in lieu thereof the following:

9 "fund or the weed fund from the fund of the drainage district
10 thus benefited."

11 7. By striking from line fifty-four (54) the word "drainage".

12 8. By striking from line sixty (60) the word "may" and in-
13 serting in lieu thereof the word "shall".

14 9. By striking lines sixty-six (66) through seventy-eight
15 (78), inclusive, and inserting in lieu thereof the words "before
16 final action. If the estimated".

17 10. By striking from line eighty-two (82) the words "as
18 defined in this section".

19 11. By striking from lines ninety-one (91) and ninety-two
20 (92) the words "as defined in this section".

21 12. By striking line one hundred ten (110) and inserting
22 in lieu thereof the following:

23 "ceed as provided in section four hundred fifty-five point
24 forty-five (455.45).

25 In the event that the estimated cost of the improvements
26 as contemplated in this section should exceed the original cost
27 of the district plus the cost of subsequent improvements in
28 the district, a majority of the landowners, owning in the aggre-
29 gate more than seventy percent of the total land in said dis-
30 trict, may file a written remonstrance against said improvement,
31 at or before the time fixed for hearing on said improvement,
32 with the county auditor, or auditors in case the district ex-
33 tends into more than one county. If such remonstrance is filed,
34 the board shall discontinue and dismiss all further proceedings
35 on said improvement and charge the cost incurred to date for

1 said proposed improvement to the district. Any inter-".

2 13. By striking lines one hundred thirty-six (136) through
3 one hundred forty-three (143), inclusive, and inserting in lieu
4 thereof the following:

5 "chapter four hundred seventy-two (472). If additional right-
6 of-way is required for any repair or improvement under this
7 section, the same may be acquired in the same manner as pro-
8 vided for the acquisition of right-of-way in the original es-
9 tablishment of a district, except that where notice and hear-
10 ing are not otherwise required under this section notice as
11 provided in this chapter to owners, lienholder of record, and
12 occupants of the land from which right-of-way is to be acquired
13 shall suffice.

14 7. In existing districts where the stream has by".

15 14. By striking lines one hundred fifty-five (155) through
16 one hundred eighty-four (184), inclusive.

17 15. By striking from line one hundred eighty-five (185)
18 the numeral "9" and inserting in lieu thereof the numeral "8".

19 16. By striking from lines one hundred eighty-nine (189)
20 and one hundred ninety (190) the words "an engineer", and in-
21 serting in lieu thereof the words "a land surveyor".

22 17. By striking from lines one hundred ninety-two (192)
23 and one hundred ninety-three (193) the word "engineer" and in-
24 serting in lieu thereof the words "land surveyor".

25 18. By striking line one hundred ninety-seven (197) and
26 inserting in lieu thereof the words "record and occupants of
27 the lands traversed by said right-of-way in".

28 19. By striking all of such section after the period in
29 line one hundred ninety-nine (199).

30 Sec. 17. Section four hundred fifty-five point one hundred
31 thirty-seven (455.137), Code 1966, is hereby amended as follows:

32 1. By inserting in line three (3), after the word "areas",
33 the words "and other flood and erosion control devices".

34 2. By striking from lines four (4) and five (5) the words
35 "at such times as outletting is retarded".

1 3. By inserting in line eleven (11), after the word "agree-
2 ment," the words "or by exercise of the right of eminent domain".

3 Sec. 18. Chapter four hundred fifty-five (455), Code 1966,
4 is hereby amended by inserting after section four hundred fifty-
5 five point one hundred ninety-six (455.196) the following new
6 section:

7 "1. a. When a levee district shall have been located and
8 finally established; or

9 b. When the required proceedings have been taken to enlarge,
10 extend, strengthen, raise, relocate, reconstruct, or improve
11 any existing levee; or

12 c. When the required proceedings have been held to annex
13 additional lands to said levee district or to exclude or elim-
14 inate lands from said levee district; or

15 d. When a plan of the United States government for the con-
16 struction of any levee, or a portion of a levee, in said levee
17 district, or for the enlarging, extending, strengthening, rais-
18 ing, relocating, reconstructing, or improving any existing levee,
19 or a portion thereof, in accordance with any such plan in said
20 levee district, has been heretofore or hereafter adopted by
21 such levee district under the provisions of sections four hun-
22 dred fifty-five two hundred one (455.201) to four hundred
23 fifty-five point two hundred sixteen (455.216) inclusive; or

24 e. When the board shall, as authorized by section four hun-
25 dred fifty-five point seventy-two (455.72), determine that the
26 assessment of benefits of said levee district against the lands
27 in said levee district are generally inequitable the board may
28 by resolution, or if a petition is filed by more than one-third
29 of the owners, including corporations, of land within said levee
30 district and who in the aggregate own more than one-third of
31 the value of the land and land improvements in said levee dis-
32 trict as the value thereof is then shown by the general tax
33 records of the county or counties in which such land and land
34 improvements are located, requesting the board to do so, the
35 board shall order the lands in said levee district and the im-

1 improvements on the land in said levee district classified or
2 reclassified in accordance with the assessed taxable value of
3 said land and land improvements as the same are then shown and
4 as the same may be thereafter shown by the assessment roll of
5 the county or counties in which said land and land improvements
6 are located.

7 The assessed taxable value of any land, including land im-
8 provements exempt from general taxation but subject to assess-
9 ment for levee purposes, shall be determined by the county as-
10 sessor who shall make such determination in accordance with
11 the rules of assessment applicable to adjacent lands and with-
12 out any additional compensation therefor.

13 2. If the board orders classification or reclassification
14 of lands as authorized in subsection one (1) of this section,
15 the board shall fix a time and place for a hearing to be held
16 upon the action of the board in ordering such classification
17 or reclassification, which hearing shall be held at the county
18 seat of the county having the largest acreage in said levee
19 district. The board shall cause notice of the time and place
20 of such hearing to be served by the county auditor or auditors
21 upon each person whose name appears as owner of lands or land
22 improvements within the levee district in the transfer books
23 of the auditor's office in the county or counties in which said
24 levee district is located, naming him, and also upon the person
25 or persons in actual occupancy of any tract of land or land
26 improvements located in said levee district, without naming
27 him. Such notice shall be for the same time and served in the
28 same manner as is provided for the establishment of a levee
29 district, and such notice shall state:

30 a. The aggregate estimated costs and expenses which the
31 board proposes to assess under such classification or reclass-
32 ification;

33 b. The total aggregate assessed taxable value of all lands
34 and land improvements in said levee district;

35 c. That the said classification or reclassification of bene-

1 fits will be based on the assessed taxable value of all lands
2 and improvements to lands located in said levee district;

3 d. That each tract of land and each improvement in
4 said levee district will be assessed for its pro rata share
5 of said costs and expenses based upon the ratio that the as-
6 sessed value of each tract of land and the assessed value of
7 each land improvement bears to the total assessed taxable value
8 of all lands and all land improvements in said district; and

9 e. That all objections to said method of classification
10 or reclassification shall be in writing and filed with the au-
11 ditor of the county in which said land or land improvements
12 are located before the time set for said hearing or with the
13 board of trustees of said district at or before the time set
14 for such hearing.

15 The notice need not show the amount of such costs and ex-
16 penses to be apportioned to each such owner or to any partic-
17 ular tract of land or land improvement within such levee dis-
18 trict.

19 3. If at or before the time set for said hearing as to such
20 classification or reclassification, there shall have been filed
21 with the county auditor, or auditors in case the district extends
22 into more than one county, or with said board, a remonstrance
23 or remonstrances or objections to such method of classification
24 or reclassification signed by owners of land and land improve-
25 ments in the levee district aggregating sixty percent of the
26 total assessed value of the lands plus land improvements in
27 said district as shown by the taxing records in said county
28 or counties in which said district is located, the board shall
29 abandon the alternative method of classification or reclassi-
30 fication herein authorized. The board may then proceed to clas-
31 sify the lands in said levee district as authorized under sec-
32 tions four hundred fifty-five point forty-five (455.45) to four
33 hundred fifty-five point fifty-one (455.51) inclusive, or may
34 proceed to reclassify the same as authorized under section four
35 hundred fifty-five point seventy-two (455.72) unless said re-

1 monstrences and objections filed as above provided are filed
2 by a majority of the landowners in the levee district and these
3 remonstrants and objectors in the aggregate own seventy per-
4 cent or more of the acreage of lands in the levee district and,
5 in writing, object to any reclassification of any kind, then
6 the board shall not reclassify the lands within the district
7 under the provision of this section nor shall the same be re-
8 classified under the provisions of section four hundred fifty-
9 five point seventy-two (455.72).

10 4. At the time fixed or at any adjourned hearing if the
11 remonstrances and objections filed at or before the hearing
12 are not signed by sufficient number of owners, or the owners
13 signing such remonstrances and objections do not meet the re-
14 quirements hereinabove provided, then the board shall fully
15 consider all objections and remonstrances and shall make a de-
16 termination as to whether or not the costs and expenses shall
17 be assessed:

18 a. By the alternative method hereinabove set forth; or

19 b. As provided by sections four hundred fifty-five point
20 forty-five (455.45) to four hundred fifty-five point fifty-
21 one (455.51), inclusive; or

22 c. That the land should be reclassified as provided in sec-
23 tion four hundred fifty-five point seventy-two (455.72); or

24 d. On the basis of a then existing classification of lands.

25 5. If the board shall determine that the cost and expenses
26 shall be assessed on the basis of assessed taxable value as
27 hereinabove provided, then such basis shall be used for all
28 future assessments made for the purposes of said levee district
29 except if said assessed taxable value of lands and land improve-
30 ments in said levee district may be changed or revised by the
31 county assessor in the county or counties in which the same
32 are located for general tax purposes, then any such revision
33 made in the assessed taxable value by any such county assessor
34 shall automatically constitute a revision of the classification
35 of such land or land improvements for future assessments made

1 by the board for the purpose of said levee district.

2 6. In lieu of the hearing provided for in the preceding
3 subsections, the board may, and if the petition of owners pro-
4 vided for in the preceding subsections so asks, the board shall
5 call for an election for the purpose of determining the question
6 of classification on the basis of assessed value of lands and
7 land improvements.

8 The question may be submitted at a regular election of the
9 district or at a special election called for that purpose. The
10 provisions of sections forty-nine point forty-three (49.43)
11 through forty-nine point forty-nine (49.49) and of chapter four
12 hundred sixty-two (462) of the Code, insofar as the same are
13 applicable, shall govern all such elections, and the question
14 to be submitted shall be set forth in the notice of election.

15 If sixty percent of the votes cast be in favor of the pro-
16 posed change in assessment, it shall become effective for all
17 future assessments as heretofore provided in this section. If
18 the question should fail, no new election on the subject may
19 be called for a period of one year.

20 7. When a levee district has been established and constructed,
21 as an alternative to the other methods prescribed by law, upon
22 reclassification, the levee district may adopt a method of class-
23 ification and assessment uniform as to all land in the district,
24 including railroad land, public highways and other public land
25 and land exempt from general taxation, based on the total amount
26 to be assessed divided by the total acres within the district.
27 This method of classification and assessment may be adopted
28 either by hearing or by election and shall become effective
29 as heretofore provided in this section.

30 8. When a drainage district or drainage and levee district
31 has been established and constructed, and after the lands therein
32 have been classified in accordance with the provisions of sec-
33 tions four hundred fifty-five point forty-six (455.46), four
34 hundred fifty-five point forty-seven (455.47), and four hun-
35 dred fifty-five point forty-eight (455.48) or reclassified in

1 accordance with section four hundred fifty-five point seventy-
2 two (455.72), the district may adopt methods of assessment for
3 maintenance, repair, and operation of said district uniform
4 as to all land in the district in the same manner and by the
5 same procedures as prescribed in subsection one (1) through
6 seven (7) of this section. Provided, however, that only those
7 lands drained by respective mains and laterals shall be assessed
8 for maintenance, repair, and operation of said mains and lat-
9 erals, and provided further that this alternate method of as-
10 sessment shall not be applied to making improvements in the
11 drainage system.

12 9. Following the adoption of any alternative method of clas-
13 sification or assessment as provided in this section, the same
14 shall continue in effect until such time as the method is changed
15 pursuant to this section or to section four hundred fifty-five
16 point seventy-two (455.72) of the Code."

17 Sec. 19. Section four hundred fifty-five point two hundred
18 twelve (455.212), Code 1966, is hereby amended as follows:

19 1. By striking from line nine (9) the word "four" and in-
20 serting in lieu thereof the words "not to exceed five".

21 2. By striking from line eleven (11) the word "four" and
22 inserting in lieu thereof the words "not to exceed five".

23 Sec. 20. Chapter four hundred fifty-five (455), Code 1966,
24 is hereby amended by adding thereto the following new section:

25 "Chapter seventy-four (74) of the Code shall be applicable
26 to all warrants which are legally drawn on levee and drainage
27 district funds and are not paid for want of funds, except that
28 such warrants shall bear interest at not to exceed five percent
29 per annum."

30 Sec. 21. Chapter four hundred fifty-five (455), Code 1966,
31 is hereby amended by adding thereto the following new section:

32 "As used in this section, person shall mean any individual
33 or group of individuals, corporation, firm, company, or associa-
34 tion, except a railroad company.

35 1. When any person proposes to construct a pipeline, elec-

1 tric transmission line, communication line, underground ser-
2 vice line, or other similar installations on, over, across,
3 or beneath the right-of-way of any drainage or levee district,
4 such person shall, before beginning construction, obtain from
5 the drainage or levee district an easement to cross the dis-
6 trict's right-of-way. The governing body of the district may,
7 as a condition of granting such easement, attach thereto such
8 conditions as they deem necessary. When the necessary ease-
9 ment has been obtained, such person shall construct the instal-
10 lation at his own expense and shall pay all costs of any re-
11 construction, relocation, modification, or reinstallation of
12 the drainage or levee district's facility which may be neces-
13 sary as a result of construction of the installation for which
14 the easement was granted.

15 2. After construction of the installation has been completed
16 in accordance with all conditions under which the easement is
17 granted, the drainage or levee district shall maintain its facil-
18 ity at its own expense, and the person who constructed the in-
19 stallation, or his successors in interest, shall maintain the
20 installation at his own expense. If the drainage or levee dis-
21 trict subsequently undertakes any maintenance, improvement,
22 or reconstruction of its facility which requires the modifica-
23 tion, relocation, or reconstruction of the installation, the
24 expense of such modification, relocation, or reconstruction
25 shall be borne by the person who constructed the installation
26 or his successors in interest."

27 Sec. 22. Chapter four hundred fifty-five (455), Code 1966,
28 is hereby amended by adding thereto the following new section:

29 "All proceedings taken prior to July 1, 1968 purporting to
30 establish or reestablish a drainage or levee district or dis-
31 tricts, or to enlarge or change the boundaries of any drain-
32 age or levee district, and any assessments not heretofore de-
33 clared invalid by any court, are hereby legalized, validated,
34 and confirmed.

35 The foregoing shall not be construed to affect any litigation

1 that may be pending at the time this section becomes effective
2 involving the establishment, reestablishment, enlargement, or
3 change in boundaries or any assessments of drainage or levee
4 districts.”

5 Sec. 23. Chapter four hundred fifty-five (455), Code 1966,
6 is hereby amended by adding thereto the following new section:
7 “Levee and drainage districts are empowered to enter into
8 agreements with the owners of lands lying outside of said dis-
9 tricts, or with other levee and drainage districts or munici-
10 palities, to provide levee protection or drainage for such lands
11 on such terms as the board may agree and subject to the follow-
12 ing terms and conditions:

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

15 2. There shall be no additional cost to the district furnish-
16 ing the service.

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

19 a. The description of the lands to be served;

20 b. The location of tile lines constructed or to be constructed;

21 c. The consideration to be paid to the district furnishing
22 the service and the classification of the lands to be served;
23 and

24 d. Such other provisions as the board deems necessary.”

25 Sec. 24. Section four hundred fifty-seven point two (457.2),
26 Code 1966, is hereby amended by striking lines five (5) through
27 seven (7), inclusive, and inserting in lieu thereof the words
28 “point a commissioner and the joint boards shall appoint a”.

29 Sec. 25. Chapter four hundred fifty-seven (457), Code 1966,
30 is hereby amended by adding thereto the following new sections:

31 1. “A record of all proceedings of an intercounty levee
32 or drainage district shall be maintained by the auditor of each
33 county in which a portion of the district lies, as provided
34 by sections four hundred fifty-five point one hundred eighty-
35 five (455.185) and four hundred fifty-five point one hundred

1 eighty-six (455.186), but the records in the office of the au-
2 ditor of the county having the largest acreage in the district
3 shall be the official records of said district.”

4 2. “When an intercounty district has been finally estab-
5 lished and original construction completed and final settle-
6 ment made with the contractor, as provided by section four hun-
7 dred fifty-seven point twenty-three (457.23), the treasurer
8 of the county having the largest acreage of the district shall
9 be the depository for all funds of the district and the trea-
10 surer of the other counties in which the district is situated
11 shall periodically, at least annually, pay over all district
12 funds received within said period to the treasurer of the county
13 with the largest acreage, except that funds payable on improve-
14 ment certificates or bonds shall be disbursed to the holders
15 of the certificates or bonds by the treasurer of the county
16 in which the land encumbered is located.”

17 Sec. 26. Section four hundred fifty-nine point six (459.6),
18 Code 1966, is hereby amended as follows:

19 1. By striking from line seven (7) the words “and parks”
20 and inserting in lieu thereof the words “parks, and other lands”.

21 2. By striking from lines eight (8) and nine (9) the words
22 “and the township trustees”.

23 Sec. 27. Section four hundred fifty-nine point eight (459.8),
24 Code 1966, is hereby repealed and the following adopted in lieu
25 thereof:

26 “If the board of supervisors of any county at any time finds
27 that twenty-five percent or more of the total area of any estab-
28 lished drainage district is located within the corporate limits
29 of any city or town, that the district’s drains are wholly or
30 partially constructed of sewer tile, and that the district’s
31 drain or drains are needed or being used by the city or town
32 for storm sewer or drainage purposes, the board may be resolu-
33 tion transfer to the city or town control of the entire drain-
34 age district, including the portion outside the corporate limits
35 of the city or town.”

1 Sec. 28. Section four hundred fifty-nine point nine (459.9),
2 Code 1966, is hereby repealed and the following adopted in lieu
3 thereof:

4 "When a county board of supervisors elects to transfer con-
5 trol of a drainage district to a city or town, as provided in
6 section four hundred fifty-nine point eight (459.8), the res-
7 olution effecting the transfer shall state a time not less than
8 thirty nor more than ninety days after adoption of the resolu-
9 tion when the transfer of control shall take effect. The res-
10 olution shall be certified to the governing body of the city
11 or town and a copy thereof filed by the county auditor, who
12 shall spread the same upon the records of the drainage district."

13 Sec. 29. Section four hundred fifty-nine point ten (459.10),
14 Code 1966, is hereby repealed and the following adopted in lieu
15 thereof:

16 "It shall be the duty of the governing body of any city or
17 town to accept control of and thereafter to administer a drain-
18 age district properly transferred to the city or town, commenc-
19 ing on the date specified in the resolution of the county board
20 of supervisors certified to the governing body as provided in
21 section four hundred fifty-nine point nine (459.9), or at such
22 later date as may be agreed to by the county board upon request
23 of the governing body."

24 Sec. 30. Section four hundred sixty-two point twelve (462.12),
25 Code 1966, is hereby amended by striking from lines twelve (12)
26 and thirteen (13) the words "for benefits" and inserting in
27 lieu thereof the words "under the current classification".

28 Sec. 31. Section four hundred sixty-two point thirty-five
29 (462.35), Code 1966, is hereby amended by striking from lines
30 two (2) and three (3) the words "seven dollars" and inserting
31 in lieu thereof the words "seventeen dollars and fifty cents".

32 Sec. 32. Section four hundred sixty-five point one (465.1),
33 Code 1966, is hereby amended as follows:

34 1. By striking from lines nine (9) and ten (10) the words
35 "township clerk of the township" and inserting in lieu thereof

- 1 the words "auditor of the county".
- 2 2. By adding thereto the following:
- 3 "The auditor shall collect a fee of one dollar for filing
- 4 each application for a ditch or drain."
- 5 Sec. 33. Section four hundred sixty-five point two (456.2),
- 6 Code 1966, is hereby amended as follows:
- 7 1. By striking from line two (2) the word "clerk" and insert-
- 8 ing in lieu thereof the word "auditor".
- 9 2. By striking from lines four (4) and five (5) the words
- 10 "township trustees of his township" and inserting in lieu thereof
- 11 the words "county board of supervisors".
- 12 3. By striking from lines sixteen (16) and seventeen (17)
- 13 the words "township trustees" and inserting in lieu thereof
- 14 the words "board of supervisors".
- 15 Sec. 34. Section four hundred sixty-five point four (465.4),
- 16 Code 1966, is hereby amended as follows:
- 17 1. By striking from line three (3) the word "trustees" and
- 18 inserting in lieu thereof the word "board".
- 19 2. By striking from line nine (9) the word "trustees" and
- 20 inserting in lieu thereof the word "board".
- 21 Sec. 35. Section four hundred sixty-five point five (465.5),
- 22 Code 1966, is hereby amended by striking from lines five (5)
- 23 and six (6) the words "township clerk" and inserting in lieu
- 24 thereof the word "auditor".
- 25 Sec. 36. Section four hundred sixty-five point six (465.6),
- 26 Code 1966, is hereby amended as follows:
- 27 1. By striking from line two (2) the word "trustees" and
- 28 inserting in lieu thereof the word "board".
- 29 2. By striking from line twelve (12) the word "trustees"
- 30 and inserting in lieu thereof the word "board".
- 31 Sec. 37. Section four hundred sixty-five point seven (465.7),
- 32 Code 1966, is hereby amended by striking from line two (2) the
- 33 word "trustees" and inserting in lieu thereof the word "super-
- 34 visors".
- 35 Sec. 38. Section four hundred sixty-five point eight (465.8),

1 Code 1966, is hereby amended as follows:

2 1. By striking lines one (1) through four (4) and insert-
3 ing in lieu thereof the following:

4 "The board shall reduce its findings, decision, and deter-
5 mination to writing, which shall be filed with the auditor,
6 who shall record it".

7 2. By striking from line five (5) the word "trustees" and
8 inserting in lieu thereof the word "board's".

9 3. By striking from line nine (9) the word "trustees" and
10 inserting in lieu thereof the word "board".

11 Sec. 39. Section four hundred sixty-five point nine (465.9),
12 Code 1966, is hereby amended as follows:

13 1. By striking from line four (4) the word "clerk" and in-
14 serting in lieu thereof the word "auditor".

15 2. By striking from line thirteen (13) the words "township
16 clerk" and inserting in lieu thereof the word "auditor".

17 Sec. 40. Section four hundred sixty-five point ten (465.10),
18 Code 1966, is hereby amended as follows:

19 1. By striking from line two (2) the words "township clerk"
20 and inserting in lieu thereof the word "auditor".

21 2. By striking from line four (4) the word "trustees" and
22 inserting in lieu thereof the word "board".

23 Sec. 41. Section four hundred sixty-five point eleven (465.11),
24 Code 1966, is hereby amended by striking from line nine (9)
25 the word "trustees" and inserting in lieu thereof the word "board".

26 Sec. 42. Section four hundred sixty-five point thirteen
27 (465.13), Code 1966, is hereby amended as follows:

28 1. By striking from lines two (2) and three (3) the words
29 "trustees and clerk" and inserting in lieu thereof the words
30 "board and auditor".

31 2. By striking from line five (5) the word "trustees" and
32 inserting in lieu thereof the word "board".

33 3. By striking from line six (6) the words "said trustees"
34 and inserting in lieu thereof the words "the board".

35 Sec. 43. Section four hundred sixty-five point fourteen

1 (465.14), Code 1966, is hereby amended as follows:

2 1. By striking from line six (6) the word "trustees" and
3 inserting in lieu thereof the word "board".

4 2. By striking from line eight (8) the word "trustees" and
5 inserting in lieu thereof the word "board".

6 Sec. 44. Section four hundred sixty-five point fifteen (465.15),
7 Code 1966, is hereby amended as follows:

8 1. By striking from line three (3) the word "trustees" and
9 inserting in lieu thereof the word "board".

10 2. By striking from line eight (8) the word "trustees" and
11 inserting in lieu thereof the word "board".

12 3. By striking from lines nine (9) and ten (10) the word
13 "trustees" and inserting in lieu thereof the word "board".

14 4. By striking from line twelve (12) the words "township
15 clerk" and inserting in lieu thereof the word "auditor".

16 5. By striking from line thirteen (13) the word "trustees"
17 and inserting in lieu thereof the word "board".

18 Sec. 45. Section four hundred sixty-five point sixteen (465.16),
19 Code 1966, is hereby amended as follows:

20 1. By striking from line three (3) the words "township clerk"
21 and inserting in lieu thereof the word "auditor".

22 2. By striking from line eleven (11) the words "township
23 clerk" and inserting in lieu thereof the word "auditor".

24 Sec. 46. Section four hundred sixty-five point seventeen
25 (465.17), Code 1966, is hereby amended by striking from lines
26 six (6) and seven (7) the words "township clerk" and inserting
27 in lieu thereof the word "auditor".

28 Sec. 47. Section four hundred sixty-five point eighteen
29 (465.18), Code 1966, is hereby amended by striking from lines
30 three (3) and four (4) the words "said trustees" and inserting
31 in lieu thereof the words "the county board of supervisors".

32 Sec. 48. Section four hundred sixty-five point twenty (465.20),
33 Code 1966, is hereby amended as follows:

34 1. By striking from lines seven (7) and eight (8) the words
35 "township trustees of the township" and inserting in lieu thereof

1 the words "board of supervisors of the county".

2 2. By striking from line fifteen (15) the word "trustees"
3 and inserting in lieu thereof the word "board".

4 Sec. 49. Section four hundred sixty-five point twenty-one
5 (465.21), Code 1966, is hereby amended as follows:

6 1. By striking from line four (4) the word "townships" and
7 inserting in lieu thereof the word "counties".

8 2. By striking from line six (6) the words "board of trust-
9 tees" and inserting in lieu thereof the words "boards of super-
10 visors".

11 3. By striking from lines six (6) and seven (7) the word
12 "townships" and inserting in lieu thereof the word "counties".

13 4. By striking all of line ten (10) and inserting in lieu
14 thereof the words "of the two counties."

15 Sec. 50. Section four hundred sixty-five point twenty-
16 four (465.24), Code 1966, is hereby amended by inserting
17 after the word "located" in line five (5) the following:

18 "**provided any drainage system constructed after July 1,**
19 **1969, shall be made a matter of record.**"

20 Sec. 51. Section four hundred sixty-five point twenty-five
21 (465.25), Code 1966, is hereby amended as follows:

22 1. By striking from lines three (3) and four (4) the words
23 "a scale not larger than sixteen inches to one mile" and insert-
24 ing in lieu thereof the word "scale."

25 2. By striking all after line ten (10) and inserting in
26 lieu thereof the following:

27 "by any landowner. Plats so offered for record shall be
28 drawn to scale on paper measuring eight and one-half by eleven
29 inches, giving distances in feet and indicating the size of
30 tile used, length and location of tile lines as installed with
31 reference to government corners and subdivision."

32 Sec. 52. Section four hundred sixty-five point twenty-six
33 (465.26), Code 1966, is hereby amended by striking all of such
34 section after the word "oath" in line twenty (20), and insert-
35 ing in lieu thereof a period.

36 Sec. 53. Section four hundred sixty-five point thirty (465.30),

1 Code 1966, is hereby amended as follows:

2 1. By striking from line seven (7) the word "trustees" and
3 inserting in lieu thereof the word "supervisors".

4 2. By striking from line eight (8) the word "trustees" and
5 inserting in lieu thereof the word "board".

6 3. By striking from line ten (10) the word "trustees" and
7 inserting in lieu thereof the word "board".

8 4. By striking from line sixteen (16) the word "trustees"
9 and inserting in lieu thereof the word "supervisors".

10 Sec. 54. Section four hundred sixty-five point thirty-one
11 (465.31), Code 1966, is hereby amended by striking all of lines
12 six (6) through thirteen (13) and inserting in lieu thereof
13 the words "as the board of supervisors desires, the board by
14 resolution".

15 Sec. 55. Section four hundred sixty-five point thirty-two
16 (465.32), Code 1966, is hereby amended by striking from line
17 two (2) the word "trustees" and inserting in lieu thereof the
18 words "board of supervisors".

19 Sec. 56. Section four hundred sixty-six point four (466.4),
20 Code 1966, is hereby amended by inserting in line six (6), after
21 the word "land", the words "and improvements".

22 Sec. 57. Section four hundred sixty-six point five (466.5),
23 Code 1966, is hereby amended as follows:

24 1. By inserting in line seven (7), after the word "lands,"
25 the word "improvements,".

26 2. By striking from line nine (9) the word "exceed" and
27 inserting in lieu thereof the word "exceeds".

28 3. By inserting in line eleven (11), after the word "in-
29 stallments", the words "of twenty or less".

30 4. By striking from line fifteen (15) the word "ten" and
31 inserting in lieu thereof the word "twenty".

32 Sec. 58. Section four hundred sixty-six point seven (466.7),
33 Code 1966, is hereby amended as follows:

34 1. By inserting in line thirteen (13), after the word "lands",
35 the words "and improvements".

1 2. By inserting in line seventeen (17), after the word "work",
2 the following:

3 "except that if such work is of the kinds contemplated by
4 section four hundred fifty-five point one hundred thirty-five
5 (455.135), and the cost thereof is within the limitations of
6 said section, or is of the kinds contemplated by section four
7 hundred fifty-five point two hundred one (455.201), and the
8 cost thereof is within the limitations of said section, then
9 the provisions of section four hundred fifty-five point one
10 hundred thirty-five (455.135) or section four hundred fifty-
11 five point two hundred one (455.201) shall supersede the lim-
12 itations of this section."

13 Sec. 59. The county board of supervisors of any county of
14 this state in which one or more drainage districts are estab-
15 lished may by resolution establish a board of county drainage
16 administrators. All of the powers, duties, and responsibili-
17 ties now or hereafter conferred on county boards of supervisors
18 in chapters four hundred fifty-five (455), four hundred fifty-
19 six (456), four hundred fifty-seven (457), four hundred fifty-
20 eight (458), four hundred fifty-nine (459), four hundred sixty
21 (460), four hundred sixty-one (461), four hundred sixty-two
22 (462), four hundred sixty-three (463), four hundred sixty-four
23 (464), four hundred sixty-five (465) as amended by this Act,
24 four hundred sixty-six (466), and four hundred sixty-seven (467)
25 of the Code shall thereupon be transferred to and thereafter
26 exercised by the board of county drainage administrators.

27 Sec. 60. When establishing a board of county drainage ad-
28 ministrators, the boards of supervisors shall divide the county,
29 along township lines, into three drainage administrator areas
30 of approximately equal territory. The board of county drain-
31 age administrators shall consist of one resident freeholder
32 appointed by the county board of supervisors from each area,
33 and at least two of the administrators shall be agricultural
34 landowners. The members first appointed shall hold office for
35 terms of one, two, and three years respectively, as indicated

1 and fixed by the county board of supervisors. Thereafter, suc-
2 ceeding members shall be appointed for a term of three years,
3 except that vacancies occurring otherwise than by expiration
4 of a term shall be filled by appointment for the unexpired term.
5 Any member of the board of county drainage administrators who
6 shall cease to have any of the qualifications prescribed by
7 this section shall thereupon be disqualified as a member of
8 the board and his office shall be deemed vacant. Members of
9 the board of county drainage administrators may be removed by
10 the county board of supervisors for cause, but every such re-
11 moval shall be by written order which shall be filed with the
12 county auditor.

13 Sec. 61. The members of the board of county drainage ad-
14 ministrators shall each receive seventeen dollars and fifty
15 cents per day for each day actually devoted to the duties of
16 their office, ten cents for every mile traveled in going to
17 and from meetings of, or other places of performing the duties
18 of, said board, and other actual and necessary expenses incurred
19 in the performance of their duties.

20 Sec. 62. The compensation and expenses of the county board
21 of drainage administrators, for each day or portion thereof
22 necessarily expended in the transaction of the business of a
23 drainage or levee district, shall be paid out of the funds of
24 the district served. The administrators shall file with the
25 auditor or auditors, as the case may be, itemized, verified
26 statements of their time devoted to the business of the dis-
27 trict and the expenses incurred. If the administrators trans-
28 act business of more than one district on a given day, they
29 shall prorate their claims for compensation proportionately
30 among the districts served on that day, but in no case shall
31 a member of the board of county drainage administrators claim
32 or receive a sum in excess of seventeen dollars and fifty cents,
33 plus actual and necessary expenses, for a single day.

34 Sec. 63. Section four hundred sixty-six point four
35 (466.4), Code 1966, is hereby amended by striking in lines

1 eight (8) and nine (9) the words "that where the proposed
2 improvement is for drainage only,".

3 Sec. 64. The state of Iowa, its agencies and subdivisions
4 shall be financially responsible for drainage and special
5 assessments against land which they own, or hold title to,
6 within existing drainage districts.

7 Sec. 65. Nothing in this Act shall be construed to deny
8 any drainage or levee district the power to establish a board
9 of trustees in the manner provided by chapter four hundred sixty-
10 two (462) of the Code.

EXPLANATION OF HOUSE FILE 16

This bill makes a substantial number of amendments and additions to existing Iowa statutes, which have been recommended by the Drainage Laws Study Committee, on the basis of its work over the past three years. See the report of the Drainage Laws Study Committee, contained in the Report of the Iowa Legislative Research Committee to the first session of the Sixty-third General Assembly.

- Last 4-19*
- 1 Amend House File 16 as reprinted as follows:
2 1. Page 12, line thirty-five (35), by inserting
3 after the word "pipeline", the word "underground".
4 2. Page 13, line two (2), by inserting after the
5 word "similar", the word "underground".
6 3. Page 13, line eight (8), by striking the words
7 "conditions as they deem necessary." and inserting in
8 lieu thereof the following: "reasonable conditions as
9 may be necessary to protect the property and facilities
10 of such district."
11 4. Page 13, line fourteen (14), by inserting after
12 the period the following: "If an easement cannot be obtained
13 from the drainage or levee district the same proceedings
14 shall be taken as provided for taking private property
15 for the works of internal improvement."

Filed - *Last 4-19*
April 18, 1969

By GRIFFIN

- 1 Amend House File 16 by striking on page 15, line 27, the
2 word, "twenty" and by inserting in lieu thereof the word, "seventy".

Filed and withdrawn
April 21, 1969

By GAUDINEER