

February 6, 1969

SENATE FILE 181

Passed on File

County Government 2-7, Pass 3-18  
4-22

By SCHABEN (Darrington  
and Waugh)

Passed Senate, Date 4-12-69 Passed House, Date 5-16-69

Vote: Ayes 41 Nays 1 Vote: Ayes 78 Nays 1

Passed Senate and  
amended by House 5-22, Approved  
47-c.

## A BILL FOR

1 An Act relating to levee and drainage districts.

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

3 Section 1. Section four hundred fifty-five point fifty-six  
4 (455.56), Code 1966, is hereby amended by adding thereto the  
5 following:

6 "If it should develop that any type of public improvement,  
7 other than the forces of nature referred to in this section,  
8 has caused such a change in the district as to effectively  
9 sever and cut off some of the land in the district from other  
10 lands in the district and from the improvements in the dis-  
11 trict in such a way as to deprive the land of any further  
12 benefits from the improvement, or in some manner to divide the  
13 benefits that may be derived from two separated portions of  
14 the improvement, then the board of supervisors or the board of  
15 trustees in charge may without notice or hearing remove lands  
16 so deprived of benefits from the district without any reclass-  
17 ification, or may subdivide the district into two separate  
18 entities if the public improvement splits the district into  
19 two separate units, each of which may still derive some separ-  
20 ate benefits from the separated portions of the district.

21 If the public improvement is such as to leave two separate  
22 portions of the improvement that are still operable and of  
23 benefit to the land on each side of the division made by the  
24 public improvement, then the board may divide the district  
25 into two separate units so that each may perform further work

1 on the improvements in their respective parts, but neither  
2 shall be charged for work completed on the opposite side of  
3 the new improvement that divides them and may only be charged  
4 for the work done in that portion of the district remaining on  
5 their side of the division.

6 The same authority provided in this Act shall vest in the  
7 board of supervisors or the board of trustees in the event a  
8 drainage district in any manner relinquishes its control over  
9 any portion of its improvements or its obligation to maintain  
10 same to another district and lands may be removed from the  
11 district or the district may be divided as provided in this Act.

12 The board may further in dividing the district award to  
13 each of the separated portions of the district the improvement  
14 remaining in each portion, determine the value of the improve-  
15 ment so remaining on each side and secondly determine the con-  
16 tributions of the lands in the separated portions to the im-  
17 provements and the upkeep of the earlier district, and if the  
18 contribution is proportionate neither side shall owe the other  
19 portion of the district any money, but if contribution is dis-  
20 proportionate, the board shall determine an equitable adjust-  
21 ment and the amount of payment required for one portion to pay  
22 to the other to buy the existing improvement.

23 If land is eliminated from any further benefits, there  
24 need not be any reclassification and the board may remove the  
25 same from the district in the same manner as if the land has  
26 been destroyed in whole by the erosion of a river.

27 "Type of public improvement" for the purpose of this Act  
28 includes drainage or levee improvements or new highways."

29 Sec. 2. Section four hundred fifty-five point one hundred  
30 two (455.102), Code 1966, is hereby amended by adding thereto  
31 the following:

32 "An exception to the conclusiveness of an assessment under  
33 this section shall be in those cases where it has been deter-  
34 mined under this Act that land has later been deprived of  
35 benefits received by a division of the district by some other

1 improvement.”  
 2 Sec. 3. Section four hundred fifty-six point one (456.1),  
 3 Code 1966, is hereby amended by adding thereto the following:  
 4 “Nothing in this section shall prevent the board from elim-  
 5 inating land from a drainage district as permitted under this  
 6 Act.”

1 Amend Senate File 181 by striking from page one (1),  
 2 line fifteen (15), the words “without notice or hearing”.  
 3 and inserting in lieu thereof the words “upon notice to  
 4 interested parties and after an opportunity for hearing  
 5 make an order to”.

Filed - *Adopted 4-18*  
 April 15, 1969

By LODWICK and SCHABEN

HOUSE AMENDMENT TO SENATE FILE 181

*House  
 concurred*

1 Amend Senate File 181 as follows:  
 2 1. Page 1 by striking after line fifteen (15) the words  
 3 “after an opportunity for hearing” and inserting in lieu  
 4 thereof the words “hearing as provided by this chapter for  
 5 the original establishment of a district”.  
 6 2. Page 2, line twenty-six (26), by inserting after the  
 7 word “river” the following: “and spread any deficiency in  
 8 assessment among the remaining lands as provided by  
 9 section four hundred fifty-five point fifty-six (455.56)  
 10 of the Code.”

*Adopted  
 5-15-69*

1 Amend Senate File 181 as follows:  
 2 1. Page 1 by striking after line fifteen (15) the words  
 3 “after an opportunity for hearing” and inserting in lieu  
 4 thereof the words “hearing as provided by this chapter for  
 5 the original establishment of a district”.  
 6 2. Page 2, line twenty-six (26), by inserting after the  
 7 word “river” the following: “and spread any deficiency in  
 8 assesment among the remaining lands as provided by section  
 9 four hundred fifty-five point fifty-six (455.56) of the Code.”

Filed  
 May 15, 1969

*Adopted  
 5-16-69*

COCHRAN of Webster  
 WINKELMAN of Calhoun  
 TIEDEN of Clayton

- 1 Amend Senate File 181 as follows:  
2 1. By striking from page 1, lines 3 and 4, the following  
3 words and figures "Section four hundred fifty-five point  
4 fifty-six (455.56)" and inserting in lieu thereof the following:  
5 "Chapter four hundred fifty-five (455)".  
6 2. By striking from page 1, line 7, the words "referred  
7 to in this section".  
8 2. By inserting in page 2, line 34, after the word  
9 "under" the following words and figures: "section one (1)  
10 of".  
11 4. By inserting in page 3, line 5, after the word "under"  
12 the following words and figures: "section one (1) of".

Filed - *Adopted 4-18*  
February 11, 1969

By SCHABEN

*Adopted  
4-18*

*Adopted  
4-18*