

JAN 24 1973

Place On Calendar

Transportation 1-26-73, Pass per
the State Govt. 2-23 - Pass 3/23

Schwieger, Chairman
Murray
Jenkins

HOUSE FILE 59

By COMMITTEE ON TRANSPORTATION

Bill State Govt. 1-14-74, 2^o pass 3/18
Failed

Passed House, Date 2-5-73 (260) Passed Senate, Date 4-2-74 (1130)

Vote: Ayes 44 Nays 52 Vote: Ayes 43 Nays 1

Approved 4-10-74

Motion to reconsider filed 2-5 (261)
Motion Prevalent 2-20 (372)
Passed House, D.T. 2-21-73 (360)
73-17

A BILL FOR

1 An Act relating to changes in roads, streams, or dry runs.
 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 3 Section 1. Section three hundred six point twenty-seven
 4 (306.27), Code 1973, is amended to read as follows:
 5 306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY. Beards
 6 The state highway commission as to primary roads and the board
 7 of supervisors as to secondary roads on their own motion may
 8 change the course of any part of any secondary road or stream,
 9 watercourse, or dry run, within-any-county and may pond water,
 10 in order to avoid the construction and maintenance of bridges,
 11 or to avoid grades, or railroad crossings, or to straighten
 12 any secondary road, or to cut off dangerous corners, turns,
 13 or intersections on the highway, or to widen any secondary
 14 road above statutory width, or for the purpose of preventing
 15 the encroachment of a stream, watercourse, or dry run upon
 16 such highway. The state highway commission shall conduct
 17 its proceedings to carry out its duties under this section
 18 in the manner and form prescribed in chapter four hundred
 19 seventy-two (472) of the Code.

EXPLANATION

21 This bill gives the state highway commission the same power
 22 to make channel changes as the counties now have and will
 23 also clarify any questions relating to the power of the state
 24 highway commission and the county boards of supervisors to
 25 pond water. This bill will have the effect of reducing the

1 number of bridges constructed on highways and hopefully will
2 make roads safer and more economical to construct.

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*Artificially 4/29
Lusk Herald 4/18
Morrison County News 4/15*

H-18

1 Amend House File 59 by striking all of lines 5
2 through 19 and inserting in lieu thereof the
3 following:
4 "306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY.
5 Boards of supervisors on their own motion may change
6 the course of any part of any secondary road or
7 stream, watercourse, or dry run, within any county,
8 and may pond water, in order to avoid the construction
9 and maintenance of bridges, or to avoid grades, or
10 railroad crossings, or to straighten any secondary
11 road, or to cut off dangerous corners, turns, or
12 intersections on the highway, or to widen any
13 secondary road above statutory width, or for the
14 purpose of preventing the encroachment of a stream,
15 watercourse, or dry run upon such highway."

19 Offered and pending *Withdrawn* By ROORDA of Jasper
20 January 26, 1973 *2-5*

H-27

1 Amend House File 59 by striking everything after
2 the enacting clause and inserting in lieu thereof the
3 following:
4 Section 1. Section three hundred six point twenty-
5 seven (306.27), Code 1973, is amended by adding the
6 following new paragraph:
7 NEW PARAGRAPH. Upon the formal request of the state
8 highway commission and upon the approval of the county
9 board of supervisors, the board may change the course
10 of any part of any primary road or stream, watercourse,
11 or dry run, or impound water, within the county in
12 order to avoid grades, or railroad crossings, or to
13 straighten any primary road, or to cut off dangerous
14 corners, turns, or intersections on a primary road, or
15 to widen any primary road above statutory width, or
16 for the purpose of preventing the encroachment of a
17 stream, watercourse, or dry run upon a primary road.
18 The county board of supervisors shall not alter or
19 amend a request submitted by the state highway commis-
20 sion.

35 Filed By RINAS of Linn
February 5, 1973 *Withdrawn 2-20*

H-25

1 Amend House File 59 by striking everything after
2 the enacting clause and inserting in lieu thereof the
3 following:
4 "Section 1. Section three hundred six point
5 twenty-seven (306.27), Code 1973, is amended to read
6 as follows:
7 306.27 CHANGES FOR SAFETY, ECONOMY, AND UTILITY.
8 The state highway commission as to primary roads and
9 the boards of supervisors as to secondary roads on
10 their own motion may change the course of any part of
11 any secondary road or stream, watercourse, or dry run,
12 and may pond water within-any-county in order to avoid
13 the construction and maintenance of bridges, or to
14 avoid grades, or railroad crossings, or to straighten
15 any secondary road, or to cut off dangerous corners,
16 turns, or intersections on the highway, or to widen
17 any secondary road above statutory width, or for the
18 purpose of preventing the encroachment of a stream,
19 watercourse, or dry run upon such highway. The
20 commission shall conduct its proceedings to accomplish
21 the above in the manner and form prescribed in chapter
22 four hundred seventy-two (472) of the Code, and the
23 board of supervisors shall use the form prescribed
24 in sections three hundred six point twenty-eight
25 (306.28) through three hundred six point thirty-seven
26 (306.37) of the Code. All such changes shall be
27 subject to the provisions of chapter four hundred
28 fifty-five A (455A) of the Code."
29 Amend the title by inserting in line 1
30 after the word "runs" the following: ", giving the
31 state highway commission powers similar to the board
32 of supervisors, and making chapter four hundred fifty-
33 five A (455A) of the Code applicable".

Filed - *Adopted 2-5*
February 1, 1973

By COMMITTEE ON TRANSPORTATION
DRAKE of Muscatine, Chairman

H-71

1 Amend House File 59 by adding the following
2 new section:
3 NEW SECTION. This Act, being deemed of
4 immediate importance, shall take effect and be in
5 force from and after its publication in The Mount
6 Vernon Hawkeye-Record, a newspaper published in
7 Mount Vernon, Iowa, and in The Monroe County News,
8 a newspaper published in Albia, Iowa.

Filed
February 20, 1973 *Adopted 2/21*

By PATCHETT of Johnson

H-47

1 Amend House File 59 by striking everything
2 after the enacting clause and inserting in lieu
3 thereof the following:

4 "Section 1. Section three hundred six
5 point twenty-seven (306.27), Code 1973, is amended
6 to read as follows:

7 306.27 CHANGES FOR SAFETY, ECONOMY AND
8 UTILITY. The state highway commission as to primary
9 roads and the boards of supervisors as to secondary
10 roads on their own motion may change the course
11 of any part of any secondary road or stream,
12 watercourse, or dry run, and may pond water within
13 any-county in order to avoid the construction and
14 maintenance of bridges, or to avoid grades, or
15 railroad crossings, or to straighten any secondary
16 road, or to cut off dangerous corners, turns, or
17 intersections on the highway, or to widen any
18 secondary road above statutory width, or for the
19 purpose of preventing the encroachment of a stream,
20 watercourse, or dry run upon such highway. The
21 commission shall conduct its proceedings to
22 accomplish the above in the manner and form
23 prescribed in chapter four hundred seventy-two (472)
24 of the Code, and the board of supervisors shall use
25 the form prescribed in sections three hundred six
26 point twenty-eight (306.28) through three hundred
27 six point thirty-seven (306.37) of the Code.
28 All such changes shall be subject to approval
29 of the executive committee of the department
30 of environmental quality."

31 Amend the title by inserting in line 1 after
32 the word "runs" the following: ", giving the
33 state highway commission powers similar to the
34 board of supervisors, and requiring approval
35 of the executive committee of the department of
36 environmental quality prior to making the changes.

Filed By HILL of Polk
February 13, 1973 *Withdrawn 2/20*

H-79

1 Amend House File 59, as amended by the House, as
2 follows:

3 1. By striking from lines 6 and 7 of Section
4 1 the words "on their own motion" and inserting in
5 lieu thereof the words "~~on-their-own-motion~~".
6 2. By inserting after the word "highway."
7 the following: "However, the board of supervisors of
8 the county in which such project is located shall
9 approve such changes or ponding proposed by the state
10 highway commission as to primary roads and the state
11 highway commission shall approve such changes or
12 ponding proposed by a county board of supervisors as
13 to secondary roads."

Filed BY RINAS of Linn
February 20, 1973 *Withdrawn 2/21*