

FEB 24 1987

Agriculture

HOUSE FILE 345
BY FOGARTY and FULLER

Passed House, Date 3-31-87 (p 900) Passed Senate, Date 4/27/87 (p 1537)
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved May 26, 1987

A BILL FOR

- 1 An Act relating to the procedures for authorization of drainage
- 2 district improvements.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 345

H-3227

- 1 Amend House File 345 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "hearing." the following: "The board shall also mail
- 4 a copy of the notice to any state agency which is a
- 5 landowner in the district."

H-3227 FILED MARCH 20, 1987 BY COMMITTEE ON AGRICULTURE
Adopted 3/27/87 (p 900)

HOUSE FILE 345

H-3257

- 1 Amend House File 345 as follows:
- 2 1. Page 2, line 3, by inserting after the figure
- 3 "455.45." the following: "In lieu of publishing the
- 4 notice of a hearing as provided by this subsection the
- 5 board may mail a copy of the notice to each address
- 6 where a landowner in the district resides by first
- 7 class mail if the cost of mailing is less than
- 8 publication of the notice. The mailing shall be made
- 9 during the time the notice would otherwise be required
- 10 to be published."

BY KREMER of Buchanan
FOGARTY of Palo Alto

H-3257 FILED MARCH 23, 1987
Adopted 3/27/87 (p 900)

1 Section 1. Section 455.135, subsection 4, paragraph a,
2 Code 1987, is amended to read as follows:

3 a. When the board determines that improvements are
4 necessary or desirable, it shall appoint an engineer to make
5 surveys as seem appropriate to determine the nature and extent
6 of the needed improvements, and to file a report showing what
7 improvements are recommended and their estimated costs, which
8 report may be amended before final action. If the estimated
9 cost of the improvements does not exceed five thousand
10 dollars, or twenty-five percent of the original cost of the
11 district and subsequent improvements, whichever is the greater
12 amount, the board may order the work done without notice. If
13 the estimated cost of the improvements does not exceed ten
14 thousand dollars or twenty-five percent of the original cost
15 of the district and subsequent improvements, whichever is the
16 greater amount, the board may order the work done after
17 holding a hearing and publishing notice of that hearing in a
18 newspaper of general circulation published in the county not
19 less than twenty days before the day set for the hearing. The
20 board shall not divide proposed improvements into separate
21 programs in order to avoid the limitation for making
22 improvements without notice. If the board deems it desirable
23 to make improvements where the estimated cost exceeds that the
24 ten thousand dollar or twenty-five percent limit, it shall set
25 a date for a hearing on the matter of constructing the
26 proposed improvements and also on the matter of whether there
27 shall be a reclassification of benefits for the cost of the
28 proposed improvements, and shall give notice as provided in
29 sections 455.20 to 455.24. At the hearing the board shall hear
30 objections to the feasibility of the proposed improvements and
31 arguments for or against a reclassification presented by or
32 for any taxpayer of the district. Following the hearing the
33 board shall order that the improvements it deems desirable and
34 feasible be made, and shall also determine whether there
35 should be a reclassification of benefits for the cost of

1 improvements. If it is determined that a reclassification of
2 benefits should be made the board shall proceed as provided in
3 section 455.45.

4 EXPLANATION

5 This bill allows a drainage district to make a five to ten
6 thousand dollar improvement after a hearing with only
7 published notice.

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Sen. Ag 3/31/87 Dr. Pass 4/9/87 (p. 1196)

HOUSE FILE 345
BY FOGARTY and FULLER

(As Amended and Passed by the House March 27, 1987)

Passed House, Date 3/27/87 (p. 900) Passed Senate, Date 4/27/87 (p. 1537)

Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0

Approved May 26, 1987
Repassed Senate 5/6/87 (p. 1722)
48-0

A BILL FOR

1 An Act relating to the procedures for authorization of drainage
2 district improvements.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 455.135, subsection 4, paragraph a,
2 Code 1987, is amended to read as follows:
3 a. When the board determines that improvements are
4 necessary or desirable, it shall appoint an engineer to make
5 surveys as seem appropriate to determine the nature and extent
6 of the needed improvements, and to file a report showing what
7 improvements are recommended and their estimated costs, which
8 report may be amended before final action. If the estimated
9 cost of the improvements does not exceed five thousand
10 dollars, or twenty-five percent of the original cost of the
11 district and subsequent improvements, whichever is the greater
12 amount, the board may order the work done without notice. If
13 the estimated cost of the improvements does not exceed ten
14 thousand dollars or twenty-five percent of the original cost
15 of the district and subsequent improvements, whichever is the
16 greater amount, the board may order the work done after
17 holding a hearing and publishing notice of that hearing in a
18 newspaper of general circulation published in the county not
19 less than twenty days before the day set for the hearing. The
20 board shall also mail a copy of the notice to any state agency
21 which is a landowner in the district. The board shall not
22 divide proposed improvements into separate programs in order
23 to avoid the limitation for making improvements without
24 notice. If the board deems it desirable to make improvements
25 where the estimated cost exceeds that the ten thousand dollar
26 or twenty-five percent limit, it shall set a date for a
27 hearing on the matter of constructing the proposed
28 improvements and also on the matter of whether there shall be
29 a reclassification of benefits for the cost of the proposed
30 improvements, and shall give notice as provided in sections
31 455.20 to 455.24. At the hearing the board shall hear
32 objections to the feasibility of the proposed improvements and
33 arguments for or against a reclassification presented by or
34 for any taxpayer of the district. Following the hearing the
35 board shall order that the improvements it deems desirable and

1 feasible be made, and shall also determine whether there
2 should be a reclassification of benefits for the cost of
3 improvements. If it is determined that a reclassification of
4 benefits should be made the board shall proceed as provided in
5 section 455.45. In lieu of publishing the notice of a hearing
6 as provided by this subsection the board may mail a copy of
7 the notice to each address where a landowner in the district
8 resides by first class mail if the cost of mailing is less
9 than publication of the notice. The mailing shall be made
10 during the time the notice would otherwise be required to be
11 published.

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HOUSE FILE 345

3690

1 Amend House File 345 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, line 5, by inserting after the figure
4 "455.45." the following: "If the benefits are
5 reclassified, the landowner may pay the assessment and
6 subsequently file an appeal as provided in section
7 455.92."

8 2. Page 2, line 8, by striking the words "first
9 class" and inserting the following: "certified".

10 3. Page 2, by inserting after line 11 the
11 following:

12 "Sec. 2. Section 455.64, Code 1987, is amended by
13 adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. However, this section
15 does not prohibit a landowner from filing an appeal
16 following the payment of the drainage or levee tax
17 assessment, regardless of whether objection to the
18 payment is waived, if the board or any of its members
19 has made material misrepresentations concerning the
20 assessment or matters related to it and the
21 misrepresentation shall cause the assessment to be
22 voidable to the landowners relying upon it in an
23 appeal.

24 Sec. 3. Section 455.94, Code 1987, is amended to
25 read as follows:

26 455.94 TIME AND MANNER.

27 All appeals shall be taken within twenty ninety
28 days after the date of final action or order of the
29 board from which such appeal is taken by filing with
30 the auditor a notice of appeal, designating the court
31 to which the appeal is taken and the order or action
32 appealed from, and stating that the appeal will come
33 on for hearing thirty days following perfection of the
34 appeal with allowances of additional time for good
35 cause shown. This notice shall be accompanied by an
36 appeal bond with sureties to be approved by the
37 auditor conditioned to pay all costs adjudged against
38 the appellant and to abide the orders of the court."

S-3690

Filed April 20, 1987

BY RAY TAYLOR

B-Adapted, A. 2/15 4/20/87 (j 1537)

SENATE AMENDMENT TO
HOUSE FILE 345

H-4035

1 Amend House File 345 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 11 the
4 following:

5 "Sec. 2. Section 455.64, Code 1987, is amended by
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. However, this section
8 does not prohibit a landowner from filing an appeal
9 following the payment of the drainage or levee tax
10 assessment, regardless of whether objection to the
11 payment is waived, if the board or any of its members
12 has made material misrepresentations concerning the
13 assessment or matters related to it and the
14 misrepresentation shall cause the assessment to be
15 voidable to the landowners relying upon it in an
16 appeal.

17 Sec. 3. Section 455.94, Code 1987, is amended to
18 read as follows:

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20 All appeals shall be taken within twenty ninety
21 days after the date of final action or order of the
22 board from which such appeal is taken by filing with
23 the auditor a notice of appeal, designating the court
24 to which the appeal is taken and the order or action
25 appealed from, and stating that the appeal will come
26 on for hearing thirty days following perfection of the
27 appeal with allowances of additional time for good
28 cause shown. This notice shall be accompanied by an
29 appeal bond with sureties to be approved by the
30 auditor conditioned to pay all costs adjudged against
31 the appellant and to abide the orders of the court."

H-4035 FILED APRIL 28, 1987 RECEIVED FROM THE SENATE

House referred to committee 5/5 (p. 1956)
Senate received 5/6 (p. 1722)

HOUSE FILE 345

AN ACT

RELATING TO THE PROCEDURES FOR AUTHORIZATION OF DRAINAGE
DISTRICT IMPROVEMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455.135, subsection 4, paragraph a,
Code 1987, is amended to read as follows:

a. When the board determines that improvements are necessary or desirable, it shall appoint an engineer to make surveys as seem appropriate to determine the nature and extent of the needed improvements, and to file a report showing what improvements are recommended and their estimated costs, which report may be amended before final action. If the estimated cost of the improvements does not exceed five thousand

dollars, or twenty-five percent of the original cost of the district and subsequent improvements, whichever is the greater amount, the board may order the work done without notice. If the estimated cost of the improvements does not exceed ten thousand dollars or twenty-five percent of the original cost of the district and subsequent improvements, whichever is the greater amount, the board may order the work done after holding a hearing and publishing notice of that hearing in a newspaper of general circulation published in the county not less than twenty days before the day set for the hearing. The board shall also mail a copy of the notice to any state agency which is a landowner in the district. The board shall not divide proposed improvements into separate programs in order to avoid the limitation for making improvements without notice. If the board deems it desirable to make improvements where the estimated cost exceeds that the ten thousand dollar or twenty-five percent limit, it shall set a date for a hearing on the matter of constructing the proposed improvements and also on the matter of whether there shall be a reclassification of benefits for the cost of the proposed improvements, and shall give notice as provided in sections 455.20 to 455.24. At the hearing the board shall hear objections to the feasibility of the proposed improvements and arguments for or against a reclassification presented by or for any taxpayer of the district. Following the hearing the board shall order that the improvements it deems desirable and feasible be made, and shall also determine whether there should be a reclassification of benefits for the cost of improvements. If it is determined that a reclassification of benefits should be made the board shall proceed as provided in section 455.45. In lieu of publishing the notice of a hearing as provided by this subsection the board may mail a copy of the notice to each address where a landowner in the district resides by first class mail if the cost of mailing is less than publication of the notice. The mailing shall be made

HF 345

during the time the notice would otherwise be required to be published.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 345, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 26, 1987

TERRY E. BRANSTAD
Governor