

Reprinted

MAR 13 1991

Be Pass 3/22 (p. 786)

HOUSE FILE 480
BY MERTZ

Passed House, Date 4/1/91 (p. 979) Passed Senate, Date 4/17/91 ^(P. 1321)
Vote: Ayes 92 Nays 0 Vote: Ayes 49 Nays 0
Approved April 30, 1991

A BILL FOR

4221 An Act relating to drainage districts.

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

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HF 480

1 Section 1. Section 468.38, Code 1991, is amended to read
2 as follows:

3 468.38 COMMISSIONERS TO CLASSIFY AND ASSESS.

4 When a levee or drainage district ~~shall have~~ has been
5 located and finally established or, unless otherwise provided
6 by law, when the required proceedings have been taken to
7 enlarge, deepen, widen, change, or extend any of the ditches,
8 laterals, settling basins, or drains of ~~such a~~ a district, or
9 the required proceedings have been ~~had~~ taken to annex
10 additional lands to ~~such a~~ a district, or a plan of the United
11 States government for original construction of the
12 improvements in ~~such a~~ a district has been ~~heretofore or~~
13 ~~hereafter~~ adopted by ~~such the~~ the district under ~~the provisions of~~
14 sections 468.201 through 468.216, the board shall appoint
15 three commissioners to assess benefits and classify the lands
16 affected by ~~such the~~ the improvement. One of ~~such the~~ the
17 commissioners shall be a competent civil engineer and two of
18 them shall be resident freeholders of the county in which the
19 district is located, but not living within, nor interested in,
20 any lands included in ~~said the~~ said the district, nor related to any
21 party whose land is affected ~~thereby by the~~ by the district. The
22 commissioners shall take and subscribe an oath of their
23 qualifications and to perform the duties of classification of
24 ~~said the~~ said lands, to fix the percentages of benefits, and
25 apportion and assess the costs and expenses of constructing
26 the said improvement, divide and rename original improvements,
27 and, if included in the boards' resolution, adopt special
28 common outlet classifications to be maintained independent of
29 the district's regular assessment schedules, according to law
30 and their best judgment, skill, and ability. If ~~said the~~ said the
31 commissioners or any of them fail or neglect to act or perform
32 the duties in the time and as required of them by law, the
33 board shall appoint others with like qualifications to take
34 their places and perform ~~said the~~ said duties.

35 Sec. 2. Section 468.65, Code 1991, is amended by adding

1 the following new unnumbered paragraph after subsection 4:
2 NEW UNNUMBERED PARAGRAPH. The board may include in its
3 resolution an order to the commissioners that they prepare
4 special common outlet classifications, if needed, in
5 conjunction with the reclassification of the district.

6 EXPLANATION

7 This bill amends the duties of the drainage district
8 commission to include dividing and renaming original
9 improvements and adopting special common outlet
10 classifications to be maintained independent of the district's
11 regular assessment schedule. The bill also provides that the
12 board of supervisors is given authority to order the
13 preparation of special common outlet classifications in
14 conjunction with the reclassification of a drainage district.

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Sen. Ag 4/2 D. Pass 4/9/91 (p. 1138)

HOUSE FILE 480
BY MERTZ

(As Amended and Passed by the House April 1, 1991)

Passed House, Date _____ Passed Senate, Date 4/17/91 (p. 1321)
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved April 30, 1991

A BILL FOR

1 An Act relating to common outlet determination and constructive
2 notice of levee and drainage districts.

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

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House Amendments _____

1 Section 1. Section 468.27, unnumbered paragraph 2, Code
2 1991, is amended to read as follows:

3 Following its establishment, the drainage district is
4 deemed to have acquired by permanent easement all right-of-way
5 for drainage district ditches, tile lines, settling basins and
6 other improvements, unless they are acquired by fee simple, in
7 the dimensions shown on the survey and report made in
8 compliance with sections 468.11 and 468.12 or as shown on the
9 permanent survey, plat and profile, if one is made. The
10 filing of the survey and report or permanent survey, plat and
11 profile, as set forth in sections 468.172 and 468.173, shall
12 constitute constructive notice to all persons of the rights
13 conferred by this section. The permanent easement includes
14 the right of ingress and egress across adjoining land and the
15 right of access for maintenance, repair, improvement, and
16 inspection. The owner or lessee shall be reimbursed for any
17 crop damages incurred in the maintenance, repair, improvement,
18 and inspection except within the right-of-way of the drainage
19 district.

20 Sec. 2. Section 468.38, Code 1991, is amended to read as
21 follows:

22 468.38 COMMISSIONERS TO CLASSIFY AND ASSESS.

23 When a levee or drainage district ~~shall have~~ has been
24 located and finally established or, unless otherwise provided
25 by law, when the required proceedings have been taken to
26 enlarge, deepen, widen, change, or extend any of the ditches,
27 laterals, settling basins, or drains of such a district, or
28 the required proceedings have been ~~had~~ taken to annex
29 additional lands to such a district, or a plan of the United
30 States government for original construction of the
31 improvements in such a district has been ~~heretofore-or~~
32 ~~hereafter~~ adopted by such the district under ~~the-provisions-of~~
33 sections 468.201 through 468.216, the board shall appoint
34 three commissioners to assess benefits and classify the lands
35 affected by such the improvement. One of such the

1 commissioners shall be a competent civil engineer and two of
2 them shall be resident freeholders of the county in which the
3 district is located, but not living within, nor interested in,
4 any lands included in said the district, nor related to any
5 party whose land is affected thereby by the district. The
6 commissioners shall take and subscribe an oath of their
7 qualifications and to perform the duties of classification of
8 said the lands, to fix the percentages of benefits, and
9 apportion and assess the costs and expenses of constructing
10 the said improvement, divide and rename original improvements,
11 and, if included in the boards' resolution, adopt special
12 common outlet classifications to be maintained independent of
13 the district's regular assessment schedules, according to law
14 and their best judgment, skill, and ability. If said the
15 commissioners or any of them fail or neglect to act or perform
16 the duties in the time and as required of them by law, the
17 board shall appoint others with like qualifications to take
18 their places and perform said the duties.

19 Sec. 3. Section 468.65, Code 1991, is amended by adding
20 the following new unnumbered paragraph after subsection 4:

21 NEW UNNUMBERED PARAGRAPH. The board may include in its
22 resolution an order to the commissioners that they prepare
23 special common outlet classifications, if needed, in
24 conjunction with the reclassification of the district.

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HOUSE FILE 480

H-3382

1 Amend House File 480 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 468.27, unnumbered paragraph
5 2, Code 1991, is amended to read as follows:

6 Following its establishment, the drainage district
7 is deemed to have acquired by permanent easement all
8 right-of-way for drainage district ditches, tile
9 lines, settling basins and other improvements, unless
10 they are acquired by fee simple, in the dimensions
11 shown on the survey and report made in compliance with
12 sections 468.11 and 468.12 or as shown on the
13 permanent survey, plat and profile, if one is made.
14 The filing of the survey and report or permanent
15 survey, plat and profile, as set forth in sections
16 468.172 and 468.173, shall constitute constructive
17 notice to all persons of the rights conferred by this
18 section. The permanent easement includes the right of
19 ingress and egress across adjoining land and the right
20 of access for maintenance, repair, improvement, and
21 inspection. The owner or lessee shall be reimbursed
22 for any crop damages incurred in the maintenance,
23 repair, improvement, and inspection except within the
24 right-of-way of the drainage district."

25 2. Title page, line 1, by inserting after the
26 word "to" the following: "common outlet determination
27 and constructive notice of".

28 3. By renumbering as necessary.

By HIBBARD of Madison

H-3382 FILED MARCH 28, 1991

Adopted 4/1/91 (p. 978)

HOUSE FILE 480

H-3422

1 Amend House File 480 as follows:

2 1. Title page, line 1, by inserting after the
3 word "to" the words "levee and".

By SPEAR of Lee

H-3422 FILED APRIL 1, 1991

ADOPTED BY UNANIMOUS CONSENT (p. 979)

HOUSE FILE 480

AN ACT

RELATING TO COMMON OUTLET DETERMINATION AND CONSTRUCTIVE NOTICE
OF LEASE AND DRAINAGE DISTRICTS.

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

Section 1. Section 468.27, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Following its establishment, the drainage district is deemed to have acquired by permanent easement all right-of-way for drainage district ditches, tile lines, settling basins and other improvements, unless they are acquired by fee simple, in the dimensions shown on the survey and report made in compliance with sections 468.11 and 468.12 or as shown on the permanent survey, plat and profile, if one is made. The filing of the survey and report or permanent survey, plat and profile, as set forth in sections 468.122 and 468.123, shall constitute constructive notice to all persons of the rights conferred by this section. The permanent easement includes the right of ingress and egress across adjoining land and the right of access for maintenance, repair, improvement, and inspection. The owner or lessee shall be reimbursed for any crop damages incurred in the maintenance, repair, improvement, and inspection except within the right-of-way of the drainage district.

Sec. 2. Section 468.38, Code 1991, is amended to read as follows:

468.38 COMMISSIONERS TO CLASSIFY AND ASSESS.

When a levee or drainage district ~~shall have~~ has been located and finally established or, unless otherwise provided by law, when the required proceedings have been taken to enlarge, deepen, widen, change, or extend any of the ditches, laterals, settling basins, or drains of such a district, or the required proceedings have been had taken to annex additional lands to such a district, or a plan of the United States government for original construction of the improvements in such a district has been heretofore or hereafter adopted by such the district under the provisions of sections 468.201 through 468.216, the board shall appoint three commissioners to assess benefits and classify the lands affected by such the improvement. One of such the commissioners shall be a competent civil engineer and two of them shall be resident freeholders of the county in which the district is located, but not living within, nor interested in, any lands included in said the district, nor related to any party whose land is affected thereby by the district. The commissioners shall take and subscribe an oath of their qualifications and to perform the duties of classification of said the lands, to fix the percentages of benefits, and apportion and assess the costs and expenses of constructing the said improvement, divide and rename original improvements, and, if included in the boards' resolution, adopt special common outlet classifications to be maintained independent of the district's regular assessment schedules, according to law and their best judgment, skill, and ability. If said the commissioners or any of them fail or neglect to act or perform the duties in the time and as required of them by law, the board shall appoint others with like qualifications to take their places and perform said the duties.

Sec. 3. Section 468.60, Code 1991, is amended by adding the following new unnumbered paragraph after subsection 4:

NEW UNNUMBERED PARAGRAPH. The board may include in its resolution an order to the commissioners that they prepare

special common outlet classifications, if needed, in conjunction with the reclassification of the district.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 480, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 30, 1991

TERRY E. BRANSTAD
Governor