

House Study Bill 724

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing monetary thresholds for actions by governing
2 boards of drainage districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6508HC 82
5 da/nh/8

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1 1 Section 1. Section 468.126, subsection 1, paragraph c,
1 2 Code 2007, is amended to read as follows:
1 3 c. If the estimated cost of a repair exceeds ~~fifteen~~
1 4 twenty thousand dollars, or seventy-five percent of the
1 5 original total cost of the district and subsequent
1 6 improvements, whichever is the greater amount, the board shall
1 7 set a date for a hearing on the matter of making the proposed
1 8 repairs, and shall give notice as provided in sections 468.14
1 9 through 468.18. If a hearing is required and the estimated
1 10 cost of the repair exceeds twenty-five thousand dollars, an
1 11 engineer's report or a report from the soil and water
1 12 conservation district conservationist shall be presented at
1 13 the hearing. The requirement of a report may be waived by the
1 14 board if a prior report on the repair exists and that report
1 15 is less than ten years old. The board shall not divide
1 16 proposed repairs into separate programs in order to avoid the
1 17 notice and hearing requirements of this paragraph. At the
1 18 hearing the board shall hear objections to the feasibility of
1 19 the proposed repairs, and following the hearing the board
1 20 shall order that the repairs it deems desirable and feasible
1 21 be made. Any interested party has the right of appeal from
1 22 such orders in the manner provided in this subchapter, parts 1
1 23 through 5.

1 24 Sec. 2. Section 468.126, subsection 2, Code 2007, is
1 25 amended to read as follows:

1 26 2. In the case of minor repairs, or in the eradication of
1 27 brush and weeds along the open ditches, not in excess of
1 28 ~~fifteen~~ twenty thousand dollars where the board finds that a
1 29 saving to the district will result the board may cause the
1 30 repairs or eradication to be done by secondary road fund
1 31 equipment, or weed fund equipment, and labor of the county and
1 32 then reimburse the secondary road fund or the weed fund from
1 33 the fund of the drainage district thus benefited.

1 34 Sec. 3. Section 468.126, subsection 4, paragraph a, Code
1 35 2007, is amended to read as follows:

2 1 a. When the board determines that improvements are
2 2 necessary or desirable, the board shall appoint an engineer to
2 3 make surveys as seem appropriate to determine the nature and
2 4 extent of the needed improvements, and to file a report
2 5 showing what improvements are recommended and their estimated
2 6 costs, which report may be amended before final action. If
2 7 the estimated cost of the improvements does not exceed ~~fifteen~~
2 8 twenty thousand dollars, or twenty-five percent of the
2 9 original cost of the district and subsequent improvements,
2 10 whichever is the greater amount, the board may order the work
2 11 done without notice. The board shall not divide proposed
2 12 improvements into separate programs in order to avoid the
2 13 limitation for making improvements without notice. If the
2 14 board deems it desirable to make improvements where the
2 15 estimated cost exceeds the ~~fifteen~~ twenty thousand dollar or
2 16 twenty-five percent limit, the board shall set a date for a
2 17 hearing on the matter of constructing the proposed
2 18 improvements and also on the matter of whether there shall be

2 19 a reclassification of benefits for the cost of the proposed
2 20 improvements, and shall give notice as provided in sections
2 21 468.14 through 468.18. At the hearing the board shall hear
2 22 objections to the feasibility of the proposed improvements and
2 23 arguments for or against a reclassification presented by or
2 24 for any taxpayer of the district. Following the hearing the
2 25 board shall order that the improvements it deems desirable and
2 26 feasible be made, and shall also determine whether there
2 27 should be a reclassification of benefits for the cost of
2 28 improvements. If it is determined that a reclassification of
2 29 benefits should be made, the board shall proceed as provided
2 30 in section 468.38. In lieu of publishing the notice of a
2 31 hearing as provided by this subsection, the board may mail a
2 32 copy of the notice to each address where a landowner in the
2 33 district resides by first class mail if the cost of mailing is
2 34 less than publication of the notice. The mailing shall be
2 35 made during the time the notice would otherwise be required to

3 1 be published.
3 2 Sec. 4. Section 468.126, subsection 4, paragraph b, Code
3 3 2007, is amended to read as follows:

3 4 b. If the estimated cost of the improvements as defined in
3 5 this subsection exceeds ~~twenty~~ twenty-five thousand dollars,
3 6 or the original cost of the district plus the cost of
3 7 subsequent improvements in the district, whichever is the
3 8 greater amount, a majority of the landowners, owning in the
3 9 aggregate more than seventy percent of the total land in the
3 10 district, may file a written remonstrance against the proposed
3 11 improvements, at or before the time fixed for hearing on the
3 12 proposed improvements, with the county auditor, or auditors in
3 13 case the district extends into more than one county. If a
3 14 remonstrance is filed, the board shall discontinue and dismiss
3 15 all further proceedings on the proposed improvements and
3 16 charge the costs incurred to date for the proposed
3 17 improvements to the district. Any interested party may appeal
3 18 from such orders in the manner provided in this subchapter,
3 19 parts 1 through 5. However, this section does not affect the
3 20 procedures of section 468.132 covering the common outlet.

3 21 EXPLANATION

3 22 This Act amends Code section 468.126, which authorizes the
3 23 governing board of a drainage or levee district (e.g., a
3 24 county board of supervisors) to make repairs necessary to
3 25 maintain or restore a drainage or levee improvement.
3 26 Currently, a board may provide for the repairs without
3 27 conducting a hearing on the matter if the cost of the repairs
3 28 does not exceed \$15,000 or 75 percent of the original cost of
3 29 the district counting subsequent improvements. The bill
3 30 increases the ceiling amount to \$20,000.

3 31 The bill raises the amount from \$15,000 to \$20,000 when a
3 32 board is authorized to make minor repairs or eradicate weeds
3 33 or brush from a ditch using secondary road fund equipment or
3 34 weed fund equipment, when the board subsequently repays that
3 35 fund.

4 1 The bill provides that in the case of an improvement
4 2 involving the expansion of a ditch, tile drain, or other
4 3 facility to increase drainage capacity, the board is
4 4 authorized to make the improvements without a notice or
4 5 hearing if the cost of the improvement does not exceed \$15,000
4 6 or 25 percent to the original cost of the district and
4 7 subsequent improvements, whichever is greater. The bill
4 8 increases the amount to \$20,000.

4 9 The bill amends a provision which provides for the right of
4 10 a landowner to file a remonstrance against a proposed
4 11 improvement when its cost exceeds the greater of \$20,000 or
4 12 the cost of the district plus subsequent improvements. The
4 13 bill increases the ceiling amount to \$25,000.

4 14 LSB 6508HC 82

4 15 da/nh/8