

**House File 2210 - Introduced**

HOUSE FILE 2210

BY MAXWELL

**A BILL FOR**

1 An Act relating to pumping stations that are part of drainage  
2 or levee districts, by providing procedures for the  
3 establishment of such stations and the annexation of land  
4 contiguous to the district.

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

1 Section 1. Section 468.356, Code 2018, is amended to read  
2 as follows:

3 **468.356 Petition — procedure — emergency pumping station.**

4 1. Such A pumping station shall not be established or  
5 maintained unless a petition therefor shall be presented to  
6 the board signed by ~~not less than one-third of the~~ one or more  
7 owners of lands benefited thereby. If a petition is received,  
8 the board shall proceed in the same manner as provided for the  
9 establishment of a drainage or levee district under subchapter  
10 I, part 1. The lands benefited by such pumping station shall  
11 be determined by the board on said petition and report of  
12 the engineer, and such other evidence as it may hear. ~~No~~  
13 ~~additional~~ The petition shall be subject to remonstrance in the  
14 same manner as provided in section 468.28. Additional land  
15 ~~shall~~ may be taken annexed into any such drainage district,  
16 after the improvements therein have been substantially  
17 completed, ~~unless one-third of the owners of the land proposed~~  
18 ~~to be annexed have petitioned therefor or consented in writing~~  
19 ~~thereto~~ as provided in section 468.119 with or without a  
20 petition from the owners of the proposed annexed land.

21 2. However, the The board of supervisors may install a  
22 temporary portable pumping station to remove flood waters in an  
23 emergency. The board of supervisors shall levy and collect the  
24 cost of the purchase, operation and maintenance of the pumping  
25 station from the lands in the district benefited by the pumping  
26 station in the same manner as provided for in the construction  
27 and maintenance of a drainage or levee district. For the  
28 purpose of this paragraph an emergency occurs when ponded or  
29 standing water does not freely flow to the outlet ditch and the  
30 capacity of the outlet ditch is not fully used.

31 Sec. 2. Section 468.357, Code 2018, is amended to read as  
32 follows:

33 **468.357 Additional pumping station — pumping plants —**  
34 **improvements.**

35 1. After the establishment of a drainage district or

1 levee, including a pumping plant, and before the completion of  
2 the improvement therein, the board or boards may, if deemed  
3 necessary to fully accomplish the purposes of said improvement,  
4 by resolution authorize the establishment and maintenance of  
5 such additional pumping station or stations as the engineer may  
6 recommend, ~~and if.~~

7 2. If a petition is filed by ~~one-third~~ one or more of the  
8 owners of land within such district asking the establishment of  
9 such pumping plant or plants, the board or boards ~~must~~ shall  
10 direct the engineer to investigate the advisability of the  
11 establishment thereof and upon the report of said engineer the  
12 board or boards shall determine whether such additional pumping  
13 plant or plants shall be established.

14 3. The board shall provide for the repair and maintenance  
15 of a pumping plant or pumping plants in the same manner as any  
16 other improvement under section 468.126.

17 4. a. The board may proceed with any improvement in the  
18 same manner as provided in section 468.126.

19 b. For the purpose of paragraph "a", "improvement" includes  
20 the construction, reconstruction, enlargement, and relocation  
21 of levees and acquisition of rights-of-way therefor.

22 Sec. 3. Section 468.359, Code 2018, is amended to read as  
23 follows:

24 **468.359 Costs — pumping plants.**

25 ~~1.~~ The cost of the establishment of such additional pumping  
26 plant or plants shall be paid in the same manner and upon  
27 the same basis as is provided for the cost of the original  
28 improvement.

29 ~~2. The board of supervisors or the board of trustees, as the~~  
30 ~~case may be, where the district has been established and the~~  
31 ~~original improvement constructed, may proceed with the further~~  
32 ~~improvement of the original project in the manner provided~~  
33 ~~in [section 468.126](#), provided, however, that the cost of such~~  
34 ~~further improvement does not exceed twenty-five percent of~~  
35 ~~the sum of the original cost to the district and the cost of~~

1 ~~subsequent improvements, including all federal contributions.~~

2 ~~3. For the purpose of this section the word "improvement"~~  
3 ~~shall include the construction, reconstruction, enlargement and~~  
4 ~~relocation of levees and acquisition of rights-of-way therefor.~~

5 Sec. 4. Section 468.360, Code 2018, is amended to read as  
6 follows:

7 **468.360 Dividing districts.**

8 When a drainage or levee district has been created and  
9 more than one pumping plant is established therein, the board  
10 or boards of supervisors may, and upon petition of ~~one-third~~  
11 one or more of the owners of land within said district shall,  
12 appoint an engineer to investigate the advisability of dividing  
13 said district into two or more districts so as to include at  
14 least one pumping plant in each of such districts.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 BILL'S PROVISIONS. This bill amends provisions in Code  
19 chapter 468 which authorize a board of supervisors (board) to  
20 establish and maintain a pumping station (station) that is part  
21 of a drainage or levee district (district) in order to provide  
22 an outlet for affected property (Code chapter 468, subchapter  
23 II, part 5). The bill provides that a board must proceed to  
24 establish a station or divide a station when it receives a  
25 petition by one or more owners of land to be benefited by the  
26 station. The board provides for its establishment in the same  
27 manner as if it were establishing the original district. The  
28 petition is subject to remonstrance and land contiguous to  
29 the district may be annexed. The bill provides that a board  
30 provide for the repair and maintenance of a pumping plant  
31 in the same manner as other improvements. It eliminates a  
32 provision that limits the cost of repairs to 25 percent of the  
33 improvement's original cost.

34 BACKGROUND. Under current law, a board cannot establish a  
35 pumping station or divide a pumping station unless it receives

1 a petition from at least one-third of the benefited property  
2 owners in that district. The board is authorized to annex  
3 additional land after the completion of any improvements unless  
4 one-third of the owners of the proposed land to be annexed  
5 objects.

6 Code section 468.126 governs procedures for letting out  
7 work involving repairs to an improvement. If the estimated  
8 cost does not exceed \$50,000, the board may order the work  
9 done without conducting a hearing on the matter. Otherwise,  
10 the board must set a date for a hearing and provide notice  
11 of the hearing to landowners in the district by publication.  
12 If the estimated cost of the repair exceeds an adjusted  
13 competitive bid threshold established by the state department  
14 of transportation (Code section 314.1B), the board must provide  
15 notice to the landowners in the same manner as when a district  
16 is established, including by publication, certified mail, or  
17 personal service (Code sections 468.14 through 468.18).