

Senate File 2208 - Introduced

SENATE FILE 2208

BY D. JOHNSON

A BILL FOR

1 An Act providing for the administration of drainage or
2 levee districts, including by providing for appointments,
3 elections, and terms of office, and including transitional
4 provisions.

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

1 Section 1. Section 468.231, Code 2018, is amended to read
2 as follows:

3 **468.231 Administrator areas.**

4 1. When establishing a board of county drainage
5 administrators, the board of supervisors shall divide the
6 county, along township lines, into ~~three~~ five drainage
7 administrator areas of approximately equal territory. The
8 board of county drainage administrators shall consist of
9 one resident freeholder appointed by the county board of
10 supervisors from each administrator area, and at least ~~two~~
11 three of the administrators shall be agricultural landowners.
12 The members first appointed shall hold office for terms of one,
13 two, ~~and three,~~ four, and five years respectively, as indicated
14 and fixed by the county board of supervisors. Thereafter,
15 succeeding members shall be appointed for a term of three
16 years, except that vacancies occurring otherwise than by
17 expiration of a term shall be filled by appointment for the
18 unexpired term.

19 2. Any member of the board of county drainage administrators
20 who shall cease to have any of the qualifications prescribed by
21 this section shall thereupon be disqualified as a member of the
22 board and the office shall be deemed vacant. Members of the
23 board of county drainage administrators may be removed by the
24 county board of supervisors for cause, but every such removal
25 shall be by written order which shall be filed with the county
26 auditor.

27 Sec. 2. Section 468.502, Code 2018, is amended to read as
28 follows:

29 **468.502 Election.**

30 The board, at the next regular, adjourned, or special
31 session shall canvass the petition and if signed by the
32 requisite number of landowners, it shall order an election to
33 be held at some convenient place in the district not less than
34 forty nor more than sixty days from the date of such order,
35 for the election of ~~three~~ five trustees of such district.

1 It shall appoint from the freeholders of the district who
2 reside in the county or counties, three judges and two
3 clerks of election. It shall not be mandatory for the county
4 commissioner of elections to conduct elections held pursuant to
5 this subchapter, but they shall be conducted in accordance with
6 the provisions of [chapter 49](#) where not in conflict with this
7 subchapter.

8 Sec. 3. Section 468.504, Code 2018, is amended to read as
9 follows:

10 **468.504 Election districts.**

11 When a petition has been filed for the election of trustees
12 to manage a district containing twenty thousand acres or
13 more, the board, or, if the district extends into more than
14 one county, the boards of the counties by joint action,
15 shall, before the election, divide the district into ~~three~~
16 five election districts for the purpose of securing a proper
17 distribution of trustees in the district, and the division
18 shall be so made that each election district will have
19 substantially equal voting power and acreage, as nearly as may
20 be. After the division is made there shall be elected one
21 trustee for each of the election districts, but at the election
22 all the qualified voters for the entire district shall be
23 entitled to vote for each trustee. The division here provided
24 for shall be for the purposes only of a proper distribution of
25 trustees in the district and shall not otherwise affect the
26 district or its management and control.

27 Sec. 4. Section 468.505, Code 2018, is amended to read as
28 follows:

29 **468.505 Record and plat of election districts.**

30 At the time of making a division into five election
31 districts, as provided in [section 468.504](#), the board or boards
32 shall designate by congressional divisions, subdivisions,
33 metes and bounds, or other intelligible description, the
34 lands embraced in each election district, and the auditor, or
35 auditors if more than one county shall make a plat thereof in

1 the drainage record of the district indicating thereon the
2 boundary lines of each election district, numbering them, one,
3 two, ~~and three,~~ four, and five respectively.

4 Sec. 5. Section 468.518, Code 2018, is amended to read as
5 follows:

6 **468.518 Tenure of office.**

7 The trustees so elected shall hold office until the
8 fourth Saturday in January next succeeding their election
9 and until their successors are elected and qualify. On the
10 third Saturday in the January next succeeding their original
11 election, an election shall be held at which ~~three~~ five
12 trustees shall be chosen, one for one year, ~~one~~ two for two
13 years, and ~~one~~ two for three years, and each shall qualify and
14 enter upon the duties of the office on the fourth Saturday of
15 the same January. On the third Saturday in each succeeding
16 January, an election shall be held to choose a each successor
17 to the trustee whose term is about to expire, and the term
18 of the trustee's office shall be for three years and until a
19 successor has qualified.

20 Sec. 6. Section 468.519, Code 2018, is amended to read as
21 follows:

22 **468.519 Levee and pumping station districts — tenure of**
23 **office of trustees.**

24 In levee and drainage districts having pumping stations
25 trustees shall hold office ~~until the fourth Saturday in January~~
26 ~~three years after election. On the third Saturday in January~~
27 ~~of each year a trustee shall be elected for a term of three~~
28 ~~years to succeed the member of the board whose term will expire~~
29 ~~on the following Saturday in the same manner as provided in~~
30 section 468.518. At the election there shall also be elected,
31 if necessary, a trustee to fill any vacancy which occurred
32 before the election.

33 Sec. 7. Section 468.539, Code 2018, is amended to read as
34 follows:

35 **468.539 Qualified application.**

1 Part 2 of this subchapter shall also apply to [this part](#),
2 except as follows:

3 1. The trustees of the overlying district serving on the
4 board at the time of acceptance as described in [section 468.538](#)
5 shall be considered initially elected as the trustees of the
6 drainage or levee district as provided in sections [468.502](#),
7 [468.503](#), and [468.521](#), until the next election.

8 2. ~~a. The~~ Until the next election, the board of trustees
9 described in [subsection 1](#) shall do all of the following:

10 (1) Establish the overlying district as a new drainage
11 or levee district, which must include all improvements and
12 rights-of-way surrendered by a board of supervisors or board of
13 trustees of the contained district.

14 (2) Divide the new drainage or levee district into ~~three~~
15 five election districts in the same manner as a board of
16 supervisors acting pursuant to sections [468.504](#) and [468.505](#).

17 *b.* The petition described in [section 468.501](#) is not required
18 to be filed or considered under [this subsection](#).

19 3. Each of the ~~three~~ five persons elected as trustee to
20 serve on a new drainage or levee district established pursuant
21 to an election held by the board of trustees described in
22 subsection 1 shall hold office for a staggered term as provided
23 in [section 468.518](#). A person elected as a trustee of the new
24 drainage or levee district shall be elected from a specified
25 election district, ~~unless the person is elected at large as~~
26 ~~provided in [subsection 4](#).~~

27 ~~4. The board of trustees described in [subsection 1](#) or a~~
28 ~~subsequent board of trustees of the new drainage or levee~~
29 ~~district may provide for the election of two additional~~
30 ~~persons to serve as trustees. The two additional persons shall~~
31 ~~be elected at large by all qualified voters for the entire~~
32 ~~drainage or levee district. Of the five persons elected as~~
33 ~~trustees of the new drainage or levee district, not more than~~
34 ~~two persons shall be elected from the same specified election~~
35 ~~district. One person's initial term shall be for one year and~~

1 ~~the second person's initial term shall be for two years in the~~
2 ~~same manner as provided in [section 468.518](#).~~

3 ~~5.~~ 4. Votes shall be determined as provided pursuant to
4 either [section 468.510](#) or [468.511](#) in the same manner as was
5 determined for the overlying district.

6 Sec. 8. IMPLEMENTATION.

7 1. Notwithstanding the provisions of this Act to the
8 contrary, an administrator who is a member of a board of county
9 drainage administrators or a trustee who is a member of a board
10 of trustees under chapter 468 and who held office immediately
11 prior to this Act's effective date shall continue to hold
12 office in the same manner as if this Act had not been enacted.

13 2. Notwithstanding [section 468.231](#), a board of county
14 drainage administrators shall divide the county into five
15 administrative areas as required in this Act.

16 3. Notwithstanding [sections 468.504](#) and [468.539](#), a board
17 of trustees of a district containing twenty thousand acres or
18 more, shall divide the district into five election districts as
19 required in this Act. The board of trustees shall provide for
20 the election of successor trustees to serve staggered terms as
21 provided in this Act.

22 4. This section is repealed on January 1, 2020.

23 EXPLANATION

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

26 GENERAL. This bill relates to drainage and levee districts
27 (districts) under Code chapter 468, by increasing the number
28 of members of a special governing body responsible for
29 managing a district. A special governing body includes a
30 board of drainage administrators appointed by the county
31 board of supervisors or joint board of supervisors and a
32 board of trustees elected by a district's landowners. The
33 bill increases the number of appointed administrators or
34 elected trustees from three to five. The bill also requires
35 districts be divided into subunits (administrative areas or

1 election districts) from which an administrator or trustee
2 resides. Finally, it provides for staggering the terms of
3 office of successor administrators and trustees, and provides
4 that existing boards must oversee the creation of the five new
5 subunits and the board of trustees must supervise a subsequent
6 election. These preparations must occur prior to January 1,
7 2020.

8 BACKGROUND — BOARD OF DRAINAGE ADMINISTRATORS AND BOARD OF
9 TRUSTEES. After a drainage district has been established by a
10 county's board of supervisors or joint board of supervisors,
11 the board may transfer its authority to an appointed board of
12 county drainage administrators (Code chapter 468, subchapter
13 I, part 4) or an elected board of trustees (Code chapter 468,
14 subchapter II, part 3). In the case of a district to be managed
15 by a board of county drainage administrators, the board of
16 supervisors must divide the county into three administrative
17 areas (Code section 468.231). In the case of a district that
18 contains 20,000 acres or more, the county board of supervisors
19 must divide the district into three election districts (Code
20 section 468.504). One exception is when two or more districts
21 share mutual territory and one district dissolves and cedes its
22 jurisdiction to the other "overlying" district having 35,000 or
23 more acres (Code chapter 468, subchapter III, part 3). In that
24 case, the overlying district may divide the district into five
25 election districts, with two trustees serving on an at-large
26 basis (Code section 468.539).