

House File 2146 - Introduced

HOUSE FILE 2146

BY GASSMAN

A BILL FOR

1 An Act relating to levee and drainage districts, by increasing
2 the threshold of the estimated cost of a repair or
3 improvement before a hearing is required to be conducted.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.126, subsection 1, paragraph c, Code
2 2020, is amended to read as follows:

3 c. If the estimated cost of the repair does not exceed ~~fifty~~
4 one hundred thousand dollars or the adjusted competitive bid
5 threshold, whichever is less, the board may order the work done
6 without conducting a hearing on the matter. Otherwise, the
7 board shall set a date for a hearing and provide notice of the
8 hearing to landowners in the district by publication in the
9 same manner as provided in [section 468.15](#). However, if the
10 estimated cost of the repair exceeds the adjusted competitive
11 bid threshold, the board shall provide notice to the landowners
12 pursuant to [sections 468.14 through 468.18](#). The board shall
13 not divide a proposed repair into separate programs in order to
14 avoid the notice and hearing requirements of this paragraph.

15 Sec. 2. section 468.126 subsection 4, paragraph c,
16 unnumbered paragraph 1, Code 2020, is amended to read as
17 follows:

18 If the estimated cost of the improvement does not exceed
19 fifty one hundred thousand dollars or the adjusted competitive
20 bid threshold, whichever is less, the board may order the work
21 done without conducting a hearing on the matter. Otherwise,
22 the board shall set a date for a hearing on whether to
23 construct the proposed improvement and whether there shall be
24 a reclassification of benefits for the cost of the proposed
25 improvement.

26 EXPLANATION

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

29 BILL'S PROVISIONS. This bill amends provisions in Code
30 section 468.126 that authorize a governing board of a drainage
31 or levee district (e.g., a county board of supervisors) to
32 order a repair (to restore or maintain its capacity) or an
33 improvement (to expand, enlarge, or otherwise increase its
34 capacity) without conducting a hearing on the matter. The
35 amount required for the board to so act is increased from

1 \$50,000 to \$100,000 or the adjusted competitive bid threshold,
2 whichever is less.

3 ADJUSTED COMPETITIVE THRESHOLD. In lieu of a statutory
4 dollar amount used to determine whether bids are required
5 to be let under Code chapter 468, the amount may be set by
6 the vertical infrastructure bid threshold subcommittee for
7 public improvements established within the department of
8 transportation. The subcommittee sets different amounts for
9 cities and counties (Code sections 314.1B and 468.3). The
10 threshold for drainage districts is the same as for counties.
11 The latest threshold for counties for vertical infrastructure
12 is \$139,000.