

Senate File 2352 - Introduced

SENATE FILE 2352
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2203)

A BILL FOR

1 An Act relating to drainage and levee districts, by providing
2 for repairs that require a report by an engineer or soil and
3 water conservation district conservationist.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 ~~d. If a hearing is required under~~ Notwithstanding paragraph
4 ~~"e" "b",~~ if the estimated cost of the repair exceeds fifty
5 thousand dollars or the adjusted competitive bid threshold,
6 whichever is more, the board shall order an engineer's report
7 or a report from the soil and water conservation district
8 conservationist regarding the matter ~~to~~ which shall be
9 presented at the hearing provided in paragraph "c". The board
10 may waive the report requirement if a prior report on the
11 repair exists and that report is less than ten years old. At
12 the hearing, the board shall hear objections to the feasibility
13 of making the proposed repair.

14 EXPLANATION

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

17 This bill amends Code section 468.126 by providing for
18 required reports on repairs made to a drainage or levee
19 district (district) as ordered by a board managing the district
20 (board). The bill requires a board to order a report from
21 a civil or drainage engineer or soil and water conservation
22 district conservationist regarding a proposed repair if
23 the repair's estimated cost exceeds \$50,000 or the adjusted
24 competitive bid threshold, whichever is more. The report must
25 be presented at the hearing of landowners.

26 BACKGROUND. Generally, there are two types of projects
27 authorized under Code section 468.126, a repair which refers
28 to restoring a facility to its original design or efficiency
29 and an improvement which enhances or enlarges the district's
30 facility. A board determines whether to conduct a hearing
31 of landowners regarding a repair or improvement based on the
32 project's estimated cost as provided in the report. A hearing
33 is required if the estimated cost of the repair or improvement
34 exceeds \$50,000. In that case, the report is presented at
35 the hearing. There are several types of boards that may have

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1 jurisdiction to decide whether or not to order a repair or
2 improvement, including a board of supervisors, a joint board of
3 supervisors, or an elected board of trustees.