

**House File 152 - Reprinted**

HOUSE FILE 152  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 49)

(As Amended and Passed by the House February 13, 2013)

**A BILL FOR**

1 An Act providing for drainage or levee districts managed by a  
2 board of trustees, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.500, Code 2013, is amended to read  
2 as follows:

3 **468.500 Trustees authorized.**

4 1. a. In the manner provided in this subchapter, any  
5 drainage or levee district in which the original construction  
6 has been completed and paid for by bond issue or otherwise,  
7 may be placed under the control and management of a board of  
8 ~~three~~ trustees to be elected by the persons owning land in the  
9 district that has been assessed for benefits.

10 b. A drainage or levee district under the control of a city  
11 council as provided in subchapter II, part 3, may be placed  
12 under the control and management of a board of trustees by  
13 the city council following the procedures provided in ~~this~~  
14 ~~subchapter~~ part 2 for the county board of supervisors.

15 2. An overlying drainage or levee district that controls and  
16 manages improvements and rights-of-way surrendered by a board  
17 of supervisors or board of trustees of a contained district,  
18 in accordance with sections 468.256 through 468.259, shall  
19 continue to be controlled and managed by a board of trustees  
20 as provided in part 3.

21 **Sec. 2. NEW SECTION. 468.538 Scope.**

22 This part applies when the board of trustees of an overlying  
23 district accepts all improvements and rights-of-way surrendered  
24 by a board of supervisors or board of trustees of a contained  
25 district, in accordance with sections 468.256 through 468.259.  
26 In addition, after such acceptance, the overlying district must  
27 include at least thirty-five thousand acres with a pumping  
28 station, regardless of whether the drainage or levee district  
29 is located in more than one county. Such a district shall  
30 continue to be controlled and managed by a board of trustees  
31 elected as provided in this part.

32 **Sec. 3. NEW SECTION. 468.539 Qualified application.**

33 Part 2 of this subchapter shall also apply to this part,  
34 except as follows:

35 1. The trustees of the overlying district serving on the

1 board at the time of acceptance as described in section 468.538  
2 shall be considered initially elected as the trustees of the  
3 drainage or levee district as provided in sections 468.502,  
4 468.503, and 468.521.

5 2. *a.* The board of trustees described in subsection 1 shall  
6 do all of the following:

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

11 (2) Divide the new drainage or levee district into three  
12 election districts in the same manner as a board of supervisors  
13 acting pursuant to sections 468.504 and 468.505.

14 *b.* The petition described in section 468.501 is not required  
15 to be filed or considered under this subsection.

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

24 4. The board of trustees described in subsection 1 or a  
25 subsequent board of trustees of the new drainage or levee  
26 district may provide for the election of two additional persons  
27 to serve as trustees. One person's initial term shall be for  
28 one year and the second person's initial term shall be for two  
29 years in the same manner as provided in section 468.518.

30 5. Votes shall be determined as provided pursuant to either  
31 section 468.510 or 468.511 in the same manner as was determined  
32 for the overlying district.

33 Sec. 4. DIVISION OF CHAPTER 468, SUBCHAPTER III. The Code  
34 editor shall codify section 468.500, as amended by this Act, as  
35 part 1 of chapter 468, subchapter III; sections 468.501 through

1 468.537 as part 2 of chapter 468, subchapter III; and sections  
2 468.538 and 468.539 as part 3 of chapter 468, subchapter III.  
3 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
4 immediate importance, takes effect upon enactment.