SENATE FILE 353
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1180)

(COMPANION TO HF 461 BY
MAXWELL)

(As Amended and Passed by the Senate February 23, 2021)

_____ and [= New Language by the Senate

A BILL FOR

An Act relating to drainage and levee districts, by providing for notices to interested persons including landowners in the district, and for repairs that require a report by an engineer or soil and water conservation district conservationist.

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

Section 1. NEW SECTION. **468.17A Unofficial notice by electronic mail.**

A person entitled to receive a notice pursuant to section 468.14, 468.16, or 468.17, or a person entitled to receive a notice under another provision of this chapter by the postal service or personal service, may request that the board responsible for providing such notice to the person also send an unofficial version of the notice to the person's electronic mail address. The board may retain the electronic mail addresses of private persons for the purpose of sending those persons electronic mail under this section or any other correspondence if the person consents to receiving that correspondence by electronic mail. The electronic mail addresses retained by the board are confidential records under section 22.7. A person is not required to file an electronic mail address with a board and may demand that the person's electronic mail address be removed from the record used to send notices and other correspondence to persons as described in this section. The failure to notify a person as required in this section is not a basis to challenge the validity of the purpose of the notice including a hearing or a board action.

Sec. 2. Section 468.45, Code 2021, is amended to read as follows:

468.45 Notice of hearing.

1. The board shall fix a time for a hearing upon the report of the commissioners, and the auditor shall cause notice to be served upon each person whose name appears as owner, naming the person, and also upon the person or persons in actual occupancy of any tract of land without naming the person or persons, of the day and hour of such hearing~~, which~~.

2. The notice shall be for the same time and served in the same manner as is provided for the establishment of a ~~levee~~ ~~or~~ drainage or levee district, ~~and~~ including as provided in sections 468.14 through 468.18, and shall ~~state~~ include all of the following:

a. A statement of the amount of the assessment of costs and expenses of construction apportioned to each owner upon each forty-acre tract or less~~, and that~~. However, the statement is not required to be published as required in section 468.15 if it is posted in the office of the county auditor and on the county's internet site. The county auditor shall provide a copy of the statement upon request.

b. A statement that all objections ~~thereto~~ to the report must be in writing and filed with the auditor at or before the time set for ~~such~~ the hearing.

Sec. 3. Section 468.126, subsection 1, paragraph d, Code 2021, is amended to read as follows:

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