

CHAPTER 259

OLD-AGE ASSISTANCE RECIPIENTS

S. F. 375

AN ACT relating to tax sales of the property of deceased old-age assistance recipients.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred forty-six point thirty-eight (446.38),
2 Code 1966, as amended by chapter three hundred fifty-seven (357), section
3 two (2), Acts of the Sixty-second General Assembly, is hereby further
4 amended by striking from line two (2) the words "four years" and inserting
5 in lieu thereof the words "one year".

Approved May 8, 1969.

CHAPTER 260

DRAINAGE AND LEVEE DISTRICTS

H.F. 16

AN ACT relating to drainage and levee districts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section seventy-four point two (74.2), Code 1966, is here-
2 by amended by striking from line ten (10) the word "drainage,".

1 SEC. 2. Section three hundred fifty-nine point forty-six (359.46), Code
2 1966, is hereby amended by striking from lines fourteen (14) and fifteen (15)
3 the words ", or viewing or locating any ditch or drain,".

1 SEC. 3. Section three hundred fifty-nine point forty-seven (359.47),
2 Code 1966, is hereby amended by striking therefrom all of subsection
3 three (3).

1 SEC. 4. Section four hundred fifty-five point four (455.4), Code 1966,
2 is hereby amended by striking all of such section after the period in line
3 eighteen (18), and inserting in lieu thereof the following:

4 "The term 'engineer' and the term 'civil engineer', within the meaning
5 of this chapter and chapters four hundred fifty-seven (457), four hundred
6 sixty (460), four hundred sixty-one (461), four hundred sixty-five (465),
7 and four hundred sixty-six (466) of the Code, shall mean a person registered
8 as a professional engineer under the provisions of chapter one hundred
9 fourteen (114) of the Code."

1 SEC. 5. Section four hundred fifty-five point twenty-one (455.21), Code
2 1966, is hereby amended by inserting in line ten (10), after the word "per-
3 son", the words "and to the clerk or recorder of each city or town".

1 SEC. 6. Section four hundred fifty-five point twenty-nine (455.29),
2 Code 1966, is hereby amended by inserting after the period in line five (5)
3 the following:

4 "The board may by purchase acquire the necessary lands required for
5 right-of-way for open ditches or other improvements in lieu of condemn-
6 ing said lands."

1 SEC. 7. Section four hundred fifty-five point forty-five (455.45), Code
2 1966, is hereby amended by striking from lines two (2) and three (3) the
3 words ", and the contracts for construction let,".

1 SEC. 8. Section four hundred fifty-five point forty-eight (455.48), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "1. In fixing the percentages and assessments of benefits and apportion-
4 ment of costs of construction to lands benefited by lateral ditches and
5 drains as a part of the entire improvement to be made in a drainage dis-
6 trict, the commissioners shall ascertain and fix the percentage of benefits
7 and apportionment of costs to the lands benefited by such lateral ditches on
8 the same basis and in the same manner as if said lateral was, with its sub-
9 laterals, being constructed as a subdistrict as provided in this chapter, re-
10 porting separately:

11 a. The percentage of benefits and amount accruing to each forty-acre
12 tract or less on account of the construction of the main ditch, drain, or
13 watercourse including pumping plant, if any.

14 b. The percentage of benefits and amount accruing to each forty-acre
15 tract or less on account of the construction of such lateral improvement.

16 2. When there has been a repair or improvement to a lateral ditch or
17 drain as provided in section four hundred fifty-five point one hundred thirty-
18 five (455.135) and the lands benefited by the lateral have not been classified
19 as provided in this section, then the board may order a classification of
20 said lands and the commission shall ascertain and fix the percentage of
21 benefits and apportionment of costs to the lands benefited by such lateral
22 ditches or drains on the same basis and in the same manner as if said
23 lateral was with its sublaterals being constructed as a subdistrict as pro-
24 vided in this chapter. Whenever this procedure is followed for the classifica-
25 tion of any lateral ditch or drain in a given district, the board shall simul-
26 taneously follow the same procedure for the main drains and all other lat-
27 eral ditches or drains in the district which have not been classified as pre-
28 scribed in this section."

1 SEC. 9. Section four hundred fifty-five point fifty-one (455.51), Code
2 1966, is hereby amended as follows:

3 By inserting after the word "expense" in line seventeen (17) the words
4 ", or estimated costs or expense,".

1 SEC. 10. Section four hundred fifty-five point sixty-three (455.63),
2 Code 1966, is hereby amended by inserting after the word "any" in line ten
3 (10) the words "warrants against assessments,".

1 SEC. 11. Section four hundred fifty-five point sixty-four (455.64), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "premises" and inserting in
4 lieu thereof the word "land".

5 2. By striking from line three (3) the word "twenty" and inserting in lieu
6 thereof the words "one hundred".

1 SEC. 12. Section four hundred fifty-five point seventy-seven (455.77),
2 Code 1966, is hereby amended by striking line one (1) and inserting in lieu
3 thereof the following:

4 "The board may provide by resolution for the payment of assessments
5 in not more than twenty annual installments with interest at not to exceed
6 five percent per annum. The board may issue warrants bearing interest at
7 the same rate, which warrants shall be numbered and state a maturity date
8 in which event they shall bear interest from the date of issuance without
9 being presented for payment and marked unpaid for want of funds. The
10 warrants may be sold by the board for cash in an amount not less than
11 the face value thereof, together with accrued interest, if any.

12 The board".

1 SEC. 13. Section four hundred fifty-five point eighty-one (455.81), Code
2 1966, is hereby amended by striking from line sixteen (16) the word
3 "twenty" and inserting in lieu thereof the words "one hundred".

1 SEC. 14. Section four hundred fifty-five point ninety-one (455.91),
2 Code 1966, is hereby amended by striking from line four (4) the word
3 "twenty" and inserting in lieu thereof the words "one hundred".

1 SEC. 15. Section four hundred fifty-five point one hundred eighteen
2 (455.118), Code 1966, is hereby amended by striking lines five (5) through
3 eleven (11), inclusive, and inserting in lieu thereof the following:

4 "road bridge upon, or ditch or drain crossing such road, the board of
5 supervisors shall move, build, or rebuild the same, paying the costs and ex-
6 penses thereof, including construction, maintenance, repair and improve-
7 ment costs, from the secondary road fund.

8 If the bridge or crossing be upon or across a primary or interstate road,
9 the".

1 SEC. 16. Section four hundred fifty-five point one hundred thirty-five
2 (455.135), Code 1966, is hereby amended as follows:

3 1. By inserting in line eight (8), after the word "repair", the words "as
4 provided herein".

5 2. By striking lines twenty-six (26) through thirty (30), inclusive, and
6 inserting in lieu thereof the following:

7 "be considered to be a repair. If the estimated cost of any repair exceeds
8 seventy-five percent of the original total cost of the district and subsequent
9 improvements therein, the board shall set".

10 3. By inserting in line thirty-five (35), after the word "repairs," the
11 word "and".

12 4. By inserting after the period in line forty (40) the words "The right
13 of remonstrance shall not apply to repairs as defined in this section."

14 5. By striking from line forty-three (43) the words "five hundred" and
15 inserting in lieu thereof the words "one thousand".

16 6. By striking lines forty-nine (49) and fifty (50) and inserting in lieu
17 thereof the following:

18 "fund or the weed fund from the fund of the drainage district thus bene-
19 fited."

20 7. By striking from line fifty-four (54) the word "drainage".

21 8. By striking from line sixty (60) the word "may" and inserting in lieu
22 thereof the word "shall".

LAWS OF THE SIXTY-THIRD G.A., FIRST SESSION

23 9. By striking lines sixty-six (66) through seventy-eight (78), inclusive,
24 and inserting in lieu thereof the words "before final action. If the estimated".

25 10. By striking from line eighty-two (82) the words "as defined in this
26 section".

27 11. By striking from lines ninety-one (91) and ninety-two (92) the words
28 "as defined in this section".

29 12. By striking line one hundred ten (110) and inserting in lieu thereof
30 the following:

31 "ceed as provided in section four hundred fifty-five point forty-five
32 (455.45).

33 In the event that the estimated cost of the improvements as contem-
34 plated in this section should exceed the original cost of the district plus
35 the cost of subsequent improvements in the district, a majority of the land-
36 owners, owning in the aggregate more than seventy percent of the total
37 land in said district, may file a written remonstrance against said improve-
38 ment, at or before the time fixed for hearing on said improvement, with the
39 county auditor, or auditors in case the district extends into more than one
40 county. If such remonstrance is filed, the board shall discontinue and dis-
41 miss all further proceedings on said improvement and charge the costs in-
42 curred to date for said proposed improvement to the district. Any inter-".

43 13. By striking lines one hundred thirty-six (136) through one hundred
44 forty-three (143), inclusive, and inserting in lieu thereof the following:

45 "chapter four hundred seventy-two (472). If additional right-of-way is
46 required for any repair or improvement under this section, the same may
47 be acquired in the same manner as provided for the acquisition of right-
48 of-way in the original establishment of a district, except that where notice
49 and hearing are not otherwise required under this section notice as pro-
50 vided in this chapter to owners, lienholder of record, and occupants of the
51 land from which right-of-way is to be acquired shall suffice.

52 7. In existing districts where the stream has by".

53 14. By striking lines one hundred fifty-five (155) through one hundred
54 eighty-four (184), inclusive.

55 15. By striking from line one hundred eighty-five (185) the numeral "9"
56 and inserting in lieu thereof the numeral "8".

57 16. By striking from lines one hundred eighty-nine (189) and one
58 hundred ninety (190) the words "an engineer", and inserting in lieu there-
59 of the words "a land surveyor".

60 17. By striking from lines one hundred ninety-two (192) and one hun-
61 dred ninety-three (193) the word "engineer" and inserting in lieu thereof
62 the words "land surveyor".

63 18. By striking line one hundred ninety-seven (197) and inserting in
64 lieu thereof the words "record and occupants of the lands traversed by
65 said right-of-way in".

66 19. By striking all of such section after the period in line one hundred
67 ninety-nine (199).

1 SEC. 17. Section four hundred fifty-five point one hundred thirty-
2 seven (455.137), Code 1966, is hereby amended as follows:

3 1. By inserting in line three (3), after the word "areas", the words
4 "and other flood and erosion control devices".

5 2. By striking from lines four (4) and five (5) the words "at such times
6 as outletting is retarded".

7 3. By inserting in line eleven (11), after the word "agreement," the words
8 "or by exercise of the right of eminent domain".

1 SEC. 18. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by inserting after section four hundred fifty-five point one hun-
3 dred ninety-six (455.196) the following new section:

4 "1. *a.* When a levee district shall have been located and finally estab-
5 lished; or

6 *b.* When the required proceedings have been taken to enlarge, extend,
7 strengthen, raise, relocate, reconstruct, or improve any existing levee; or

8 *c.* When the required proceedings have been held to annex additional
9 lands to said levee district or to exclude or eliminate lands from said levee
10 district; or

11 *d.* When a plan of the United States government for the construction
12 of any levee, or a portion of a levee, in said levee district, or for the enlarg-
13 ing, extending, strengthening, raising, relocating, reconstructing, or improv-
14 ing any existing levee, or a portion thereof, in accordance with any such
15 plan in said levee district, has been heretofore or hereafter adopted by such
16 levee district under the provisions of sections four hundred fifty-five point
17 two hundred one (455.201) to four hundred fifty-five point two hundred
18 sixteen (455.216) inclusive; or

19 *e.* When the board shall, as authorized by section four hundred fifty-
20 five point seventy-two (455.72), determine that the assessments of benefits
21 of said levee district against the lands in said levee district are generally
22 inequitable the board may by resolution, or if a petition is filed by more
23 than one-third of the owners, including corporations, of land within said
24 levee district and who in the aggregate own more than one-third of the
25 value of the land and land improvements in said levee district as the value
26 thereof is then shown by the general tax records of the county or counties
27 in which such land and land improvements are located, requesting the
28 board to do so, the board shall order the lands in said levee district and
29 the improvements on the land in said levee district classified or reclassified
30 in accordance with the assessed taxable value of said land and land improve-
31 ments as the same are then shown and as the same may be thereafter
32 shown by the assessment roll of the county or counties in which said land
33 and land improvements are located.

34 The assessed taxable value of any land, including land improvements
35 exempt from general taxation but subject to assessment for levee purposes,
36 shall be determined by the county assessor who shall make such determi-
37 nation in accordance with the rules of assessment applicable to adjacent
38 lands and without any additional compensation therefor.

39 2. If the board orders classification or reclassification of lands as author-
40 ized in subsection one (1) of this section, the board shall fix a time and
41 place for a hearing to be held upon the action of the board in ordering
42 such classification or reclassification, which hearing shall be held at the
43 county seat of the county having the largest acreage in said levee district.
44 The board shall cause notice of the time and place of such hearing to be
45 served by the county auditor or auditors upon each person whose name
46 appears as owner of lands or land improvements within the levee district
47 in the transfer books of the auditor's office in the county or counties in
48 which said levee district is located, naming him, and also upon the person
49 or persons in actual occupancy of any tract of land or land improvements
50 located in said levee district, without naming him. Such notice shall be for
51 the same time and served in the same manner as is provided for the estab-
52 lishment of a levee district, and such notice shall state:

53 *a.* The aggregate estimated costs and expenses which the board proposes
54 to assess under such classification or reclassification;

55 *b.* The total aggregate assessed taxable value of all lands and land im-
56 provements in said levee district;

57 *c.* That the said classification or reclassification of benefits will be based
58 on the assessed taxable value of all lands and improvements to lands locat-
59 ed in said levee district;

60 *d.* That each tract of land and each land improvement in said levee dis-
61 trict will be assessed for its pro rata share of said costs and expenses based
62 upon the ratio that the assessed value of each tract of land and the assessed
63 value of each land improvement bears to the total assessed taxable value
64 of all lands and all land improvements in said district; and

65 *e.* That all objections to said method of classification or reclassification
66 shall be in writing and filed with the auditor of the county in which said
67 land or land improvements are located before the time set for said hearing
68 or with the board of trustees of said district at or before the time set for
69 such hearing.

70 The notice need not show the amount of such costs and expenses to be
71 apportioned to each such owner or to any particular tract of land or land
72 improvement within such levee district.

73 3. If at or before the time set for said hearing as to such classification or
74 reclassification, there shall have been filed with the county auditor, or
75 auditors in case the district extends into more than one county, or with
76 said board, a remonstrance or remonstrances or objections to such method
77 of classification or reclassification signed by owners of land and land im-
78 provements in the levee district aggregating sixty percent of the total
79 assessed value of the lands plus land improvements in said district as
80 shown by the taxing records in said county or counties in which said dis-
81 trict is located, the board shall abandon the alternative method of classi-
82 fication or reclassification herein authorized. The board may then proceed
83 to classify the lands in said levee district as authorized under sections four
84 hundred fifty-five point forty-five (455.45) to four hundred fifty-five point
85 fifty-one (455.51) inclusive, or may proceed to reclassify the same as au-
86 thorized under section four hundred fifty-five point seventy-two (455.72)
87 unless said remonstrances and objections filed as above provided are filed
88 by a majority of the landowners in the levee district and these remon-
89 strants and objectors in the aggregate own seventy percent or more of the
90 acreage of lands in the levee district and, in writing, object to any reclassi-
91 fication of any kind, then the board shall not reclassify the lands within the
92 district under the provision of this section nor shall the same be reclassi-
93 fied under the provisions of section four hundred fifty-five point seventy-
94 two (455.72).

95 4. At the time fixed or at any adjourned hearing if the remonstrances
96 and objections filed at or before the hearing are not signed by sufficient
97 number of owners, or the owners signing such remonstrances and objections
98 do not meet the requirements hereinabove provided, then the board shall
99 fully consider all objections and remonstrances and shall make a determina-
100 tion as to whether or not the costs and expenses shall be assessed:

101 *a.* By the alternative method hereinabove set forth; or

102 *b.* As provided by sections four hundred fifty-five point forty-five (455.45)
103 to four hundred fifty-five point fifty-one (455.51), inclusive; or

104 *c.* That the land should be reclassified as provided in section four hun-
105 dred fifty-five point seventy-two (455.72); or

106 *d.* On the basis of a then existing classification of lands.

107 5. If the board shall determine that the cost and expenses shall be
108 assessed on the basis of assessed taxable value as hereinabove provided,
109 then such basis shall be used for all future assessments made for the pur-
110 poses of said levee district except if said assessed taxable value of lands and
111 land improvements in said levee district may be changed or revised by the
112 county assessor in the county or counties in which the same are located for
113 general tax purposes, then any such revision made in the assessed taxable
114 value by any such county assessor shall automatically constitute a revision
115 of the classification of such land or land improvements for future assess-
116 ments made by the board for the purpose of said levee district.

117 6. In lieu of the hearing provided for in the preceding subsections, the
118 board may, and if the petition of owners provided for in the preceding
119 subsections so asks, the board shall call for an election for the purpose of
120 determining the question of classification on the basis of assessed value of
121 lands and land improvements.

122 The question may be submitted at a regular election of the district or
123 at a special election called for that purpose. The provisions of sections
124 forty-nine point forty-three (49.43) through forty-nine point forty-nine
125 (49.49) and of chapter four hundred sixty-two (462) of the Code, insofar
126 as the same are applicable, shall govern all such elections, and the question
127 to be submitted shall be set forth in the notice of election.

128 If sixty percent of the votes cast be in favor of the proposed change in
129 assessment, it shall become effective for all future assessments as hereto-
130 fore provided in this section. If the question should fail, no new election on
131 the subject may be called for a period of one year.

132 7. When a levee district has been established and constructed, as an al-
133 ternative to the other methods prescribed by law, upon reclassification,
134 the levee district may adopt a method of classification and assessment
135 uniform as to all land in the district, including railroad land, public high-
136 ways and other public land and land exempt from general taxation, based
137 on the total amount to be assessed divided by the total acres within the
138 district. This method of classification and assessment may be adopted either
139 by hearing or by election and shall become effective as heretofore provided
140 in this section.

141 8. When a drainage district or drainage and levee district has been estab-
142 lished and constructed, and after the lands therein have been classified in
143 accordance with the provisions of sections four hundred fifty-five point
144 forty-six (455.46), four hundred fifty-five point forty-seven (455.47), and
145 four hundred fifty-five point forty-eight (455.48) or reclassified in accord-
146 ance with section four hundred fifty-five point seventy-two (455.72), the dis-
147 trict may adopt methods of assessment for maintenance, repair, and opera-
148 tion of said district uniform as to all land in the district in the same manner
149 and by the same procedures as prescribed in subsections one (1) through
150 seven (7) of this section. Provided, however, that only those lands drained
151 by respective mains and laterals shall be assessed for maintenance, repair,
152 and operation of said mains and laterals, and provided further that this
153 alternate method of assessment shall not be applied to making improvements
154 in the drainage system.

155 9. Following the adoption of any alternative method of classification or
156 assessment as provided in this section, the same shall continue in effect
157 until such time as the method is changed pursuant to this section or to
158 section four hundred fifty-five point seventy-two (455.72) of the Code.”

1 SEC. 19. Section four hundred fifty-five point two hundred twelve
2 (455.212), Code 1966, is hereby amended as follows:

3 1. By striking from line nine (9) the word "four" and inserting in lieu
4 thereof the words "not to exceed five".

5 2. By striking from line eleven (11) the word "four" and inserting in
6 lieu thereof the words "not to exceed five".

1 SEC. 20. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Chapter seventy-four (74) of the Code shall be applicable to all war-
4 rants which are legally drawn on levee and drainage district funds and are
5 not paid for want of funds, except that such warrants shall bear interest
6 at not to exceed five percent per annum."

1 SEC. 21. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "As used in this section, person shall mean any individual or group of
4 individuals, corporation, firm, company, or association, except a railroad
5 company.

6 1. When any person proposes to construct a pipeline, electric transmis-
7 sion line, communication line, underground service line, or other similar
8 installations on, over, across, or beneath the right-of-way of any drainage
9 or levee district, such person shall, before beginning construction, obtain
10 from the drainage or levee district an easement to cross the district's right-
11 of-way. The governing body of the district may, as a condition of granting
12 such easement, attach thereto such conditions as they deem necessary.
13 When the necessary easement has been obtained, such person shall con-
14 struct the installation at his own expense and shall pay all costs of any
15 reconstruction, relocation, modification, or reinstallation of the drainage or
16 levee district's facility which may be necessary as a result of construction
17 of the installation for which the easement was granted.

18 2. After construction of the installation has been completed in accord-
19 ance with all conditions under which the easement is granted, the drain-
20 age or levee district shall maintain its facility at its own expense, and the
21 person who constructed the installation, or his successors in interest, shall
22 maintain the installation at his own expense. If the drainage or levee dis-
23 trict subsequently undertakes any maintenance, improvement, or recon-
24 struction of its facility which requires the modification, relocation, or re-
25 construction of the installation, the expense of such modification, reloca-
26 tion, or reconstruction shall be borne by the person who constructed the
27 installation or his successors in interest."

1 SEC. 22. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "All proceedings taken prior to July 1, 1968 purporting to establish or
4 reestablish a drainage or levee district or districts, or to enlarge or change
5 the boundaries of any drainage or levee district, and any assessments not
6 heretofore declared invalid by any court, are hereby legalized, validated,
7 and confirmed.

8 The foregoing shall not be construed to affect any litigation that may
9 be pending at the time this section becomes effective involving the estab-
10 lishment, reestablishment, enlargement, or change in boundaries or any
11 assessments of drainage or levee districts."

1 SEC. 23. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following new section:

3 "Levee and drainage districts are empowered to enter into agreements
4 with the owners of lands lying outside of said districts, or with other levee
5 and drainage districts or municipalities, to provide levee protection or
6 drainage for such lands on such terms as the board may agree and subject
7 to the following terms and conditions:

8 1. The facilities of the district furnishing the service shall not be over-
9 burdened.

10 2. There shall be no additional cost to the district furnishing the service.

11 3. The agreement shall be in writing, be made a part of the drainage
12 records and shall include the following:

13 a. The description of the lands to be served;

14 b. The location of tile lines constructed or to be constructed;

15 c. The consideration to be paid to the district furnishing the service and
16 the classification of the lands to be served; and

17 d. Such other provisions as the board deems necessary."

1 SEC. 24. Section four hundred fifty-seven point two (457.2), Code 1966,
2 is hereby amended by striking lines five (5) through seven (7), inclusive,
3 and inserting in lieu thereof the words "point a commissioner and the joint
4 boards shall appoint a".

1 SEC. 25. Chapter four hundred fifty-seven (457), Code 1966, is hereby
2 amended by adding thereto the following new sections:

3 1. "A record of all proceedings of an intercounty levee or drainage dis-
4 trict shall be maintained by the auditor of each county in which a portion
5 of the district lies, as provided by sections four hundred fifty-five point one
6 hundred eighty-five (455.185) and four hundred fifty-five point one hundred
7 eighty-six (455.186), but the records in the office of the auditor of the coun-
8 ty having the largest acreage in the district shall be the official records of
9 said district."

10 2. "When an intercounty district has been finally established and origi-
11 nal construction completed and final settlement made with the contractor,
12 as provided by section four hundred fifty-seven point twenty-three (457.23),
13 the treasurer of the county having the largest acreage of the district shall
14 be the depository for all funds of the district and the treasurer of the other
15 counties in which the district is situated shall periodically, at least annual-
16 ly, pay over all district funds received within said period to the treasurer
17 of the county with the largest acreage, except that funds payable on im-
18 provement certificates or bonds shall be disbursed to the holders of the
19 certificates or bonds by the treasurer of the county in which the land en-
20 cumbered is located."

1 SEC. 26. Section four hundred fifty-nine point six (459.6), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line seven (7) the words "and parks" and inserting
4 in lieu thereof the words "parks, and other lands".

5 2. By striking from lines eight (8) and nine (9) the words "and the town-
6 ship trustees".

1 SEC. 27. Section four hundred fifty-nine point eight (459.8), Code 1966,
2 is hereby repealed and the following adopted in lieu thereof:

3 "If the board of supervisors of any county at any time finds that twenty-
4 five percent or more of the total area of any established drainage district
5 is located within the corporate limits of any city or town, that the dis-
6 trict's drains are wholly or partially constructed of sewer tile, and that the
7 district's drain or drains are needed or being used by the city or town for
8 storm sewer or drainage purposes, the board may by resolution transfer
9 to the city or town control of the entire drainage district, including the por-
10 tion outside the corporate limits of the city or town."

1 SEC. 28. Section four hundred fifty-nine point nine (459.9), Code 1966,
2 is hereby repealed and the following adopted in lieu thereof:

3 "When a county board of supervisors elects to transfer control of a
4 drainage district to a city or town, as provided in section four hundred fifty-
5 nine point eight (459.8), the resolution effecting the transfer shall state a
6 time not less than thirty nor more than ninety days after adoption of the
7 resolution when the transfer of control shall take effect. The resolution shall
8 be certified to the governing body of the city or town and a copy thereof
9 filed by the county auditor, who shall spread the same upon the records of
10 the drainage district."

1 SEC. 29. Section four hundred fifty-nine point ten (459.10), Code 1966,
2 is hereby repealed and the following adopted in lieu thereof:

3 "It shall be the duty of the governing body of any city or town to
4 accept control of and thereafter to administer a drainage district properly
5 transferred to the city or town, commencing on the date specified in the
6 resolution of the county board of supervisors certified to the governing
7 body as provided in section four hundred fifty-nine point nine (459.9),
8 or at such later date as may be agreed to by the county board upon re-
9 quest of the governing body."

1 SEC. 30. Section four hundred sixty-two point twelve (462.12), Code
2 1966, is hereby amended by striking from lines twelve (12) and thirteen
3 (13) the words "for benefits" and inserting in lieu thereof the words "under
4 the current classification".

1 SEC. 31. Section four hundred sixty-two point thirty-five (462.35),
2 Code 1966, is hereby amended by striking from lines two (2) and three (3)
3 the words "seven dollars" and inserting in lieu thereof the words "seven-
4 teen dollars and fifty cents".

1 SEC. 32. Section four hundred sixty-five point one (465.1), Code 1966,
2 is hereby amended as follows:

3 1. By striking from lines nine (9) and ten (10) the words "township clerk
4 of the township" and inserting in lieu thereof the words "auditor of the
5 county".

6 2. By adding thereto the following:

7 "The auditor shall collect a fee of one dollar for filing each application
8 for a ditch or drain."

1 SEC. 33. Section four hundred sixty-five point two (465.2), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line two (2) the word "clerk" and inserting in lieu
4 thereof the word "auditor".

5 2. By striking from lines four (4) and five (5) the words "township
6 trustees of his township" and inserting in lieu thereof the words "county
7 board of supervisors".

8 3. By striking from lines sixteen (16) and seventeen (17) the words
9 "township trustees" and inserting in lieu thereof the words "board of super-
10 visors".

1 SEC. 34. Section four hundred sixty-five point four (465.4), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line three (3) the word "trustees" and inserting in
4 lieu thereof the word "board".

5 2. By striking from line nine (9) the word "trustees" and inserting in lieu
6 thereof the word "board".

1 SEC. 35. Section four hundred sixty-five point five (465.5), Code 1966,
2 is hereby amended by striking from lines five (5) and six (6) the words
3 "township clerk" and inserting in lieu thereof the word "auditor".

1 SEC. 36. Section four hundred sixty-five point six (465.6), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line two (2) the word "trustees" and inserting in lieu
4 thereof the word "board".

5 2. By striking from line twelve (12) the word "trustees" and inserting in
6 lieu thereof the word "board".

1 SEC. 37. Section four hundred sixty-five point seven (465.7), Code 1966,
2 is hereby amended by striking from line two (2) the word "trustees" and
3 inserting in lieu thereof the word "supervisors".

1 SEC. 38. Section four hundred sixty-five point eight (465.8), Code 1966,
2 is hereby amended as follows:

3 1. By striking lines one (1) through four (4) and inserting in lieu thereof
4 the following:

5 "The board shall reduce its findings, decision, and determination to writ-
6 ing, which shall be filed with the auditor, who shall record it".

7 2. By striking from line five (5) the word "trustees" and inserting in
8 lieu thereof the word "board's".

9 3. By striking from line nine (9) the word "trustees" and inserting in
10 lieu thereof the word "board".

1 SEC. 39. Section four hundred sixty-five point nine (465.9), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line four (4) the word "clerk" and inserting in lieu
4 thereof the word "auditor".

5 2. By striking from line thirteen (13) the words "township clerk" and
6 inserting in lieu thereof the word "auditor".

1 SEC. 40. Section four hundred sixty-five point ten (465.10), Code 1966,
2 is hereby amended as follows:

3 1. By striking from line two (2) the words "township clerk" and inserting
4 in lieu thereof the word "auditor".

5 2. By striking from line four (4) the word "trustees" and inserting in lieu
6 thereof the word "board".

1 SEC. 41. Section four hundred sixty-five point eleven (465.11), Code
2 1966, is hereby amended by striking from line nine (9) the word "trustees"
3 and inserting in lieu thereof the word "board".

1 SEC. 42. Section four hundred sixty-five point thirteen (465.13), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "trustees and
4 clerk" and inserting in lieu thereof the words "board and auditor".

5 2. By striking from line five (5) the word "trustees" and inserting in
6 lieu thereof the word "board".

7 3. By striking from line six (6) the words "said trustees" and inserting in
8 lieu thereof the words "the board".

1 SEC. 43. Section four hundred sixty-five point fourteen (465.14), Code
2 1966, is hereby amended as follows:

3 1. By striking from line six (6) the word "trustees" and inserting in lieu
4 thereof the word "board".

5 2. By striking from line eight (8) the word "trustees" and inserting in
6 lieu thereof the word "board".

1 SEC. 44. Section four hundred sixty-five point fifteen (465.15), Code
2 1966, is hereby amended as follows:

3 1. By striking from line three (3) the word "trustees" and inserting in
4 lieu thereof the word "board".

5 2. By striking from line eight (8) the word "trustees" and inserting in
6 lieu thereof the word "board".

7 3. By striking from lines nine (9) and ten (10) the word "trustees" and
8 inserting in lieu thereof the word "board".

9 4. By striking from line twelve (12) the words "township clerk" and
10 inserting in lieu thereof the word "auditor".

11 5. By striking from line thirteen (13) the word "trustees" and inserting
12 in lieu thereof the word "board".

1 SEC. 45. Section four hundred sixty-five point sixteen (465.16), Code
2 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "township clerk" and insert-
4 ing in lieu thereof the word "auditor".

5 2. By striking from line eleven (11) the words "township clerk" and in-
6 serting in lieu thereof the word "auditor".

1 SEC. 46. Section four hundred sixty-five point seventeen (465.17), Code
2 1966, is hereby amended by striking from lines six (6) and seven (7) the words
3 "township clerk" and inserting in lieu thereof the word "auditor".

1 SEC. 47. Section four hundred sixty-five point eighteen (465.18), Code
2 1966, is hereby amended by striking from lines three (3) and four (4) the
3 words "said trustees" and inserting in lieu thereof the words "the county
4 board of supervisors".

1 SEC. 48. Section four hundred sixty-five point twenty (465.20), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines seven (7) and eight (8) the words "township
4 trustees of the township" and inserting in lieu thereof the words "board
5 of supervisors of the county".

6 2. By striking from line fifteen (15) the word "trustees" and inserting in
7 lieu thereof the word "board".

1 SEC. 49. Section four hundred sixty-five point twenty-one (465.21), Code
2 1966, is hereby amended as follows:

3 1. By striking from line four (4) the word "townships" and inserting in
4 lieu thereof the word "counties".

5 2. By striking from line six (6) the words "board of trustees" and insert-
6 ing in lieu thereof the words "boards of supervisors".

7 3. By striking from lines six (6) and seven (7) the word "townships" and
8 inserting in lieu thereof the word "counties".

9 4. By striking all of line ten (10) and inserting in lieu thereof the words
10 "of the two counties."

1 SEC. 50. Section four hundred sixty-five point twenty-four (465.24),
2 Code 1966, is hereby amended by inserting after the word "located" in line
3 five (5) the following: ", provided any drainage system constructed after
4 July 1, 1969, shall be made a matter of record,".

1 SEC. 51. Section four hundred sixty-five point twenty-five (465.25),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) the words "a scale not
4 larger than sixteen inches to one mile" and inserting in lieu thereof the
5 word "scale".

6 2. By striking all after line ten (10) and inserting in lieu thereof the fol-
7 lowing:

8 "by any landowner. Plats so offered for record shall be drawn to scale
9 on paper measuring eight and one-half by eleven inches, giving distances
10 in feet and indicating the size of tile used, length and location of tile lines
11 as installed with reference to government corners and subdivisions."

1 SEC. 52. Section four hundred sixty-five point twenty-six (465.26),
2 Code 1966, is hereby amended by striking all of such section after the word
3 "oath" in line twenty (20), and inserting in lieu thereof a period.

1 SEC. 53. Section four hundred sixty-five point thirty (465.30), Code
2 1966, is hereby amended as follows:

3 1. By striking from line seven (7) the word "trustees" and inserting in
4 lieu thereof the word "supervisors".

5 2. By striking from line eight (8) the word "trustees" and inserting in
6 lieu thereof the word "board".

7 3. By striking from line ten (10) the word "trustees" and inserting in lieu
8 thereof the word "board".

9 4. By striking from line sixteen (16) the word "trustees" and inserting
10 in lieu thereof the word "supervisors".

1 SEC. 54. Section four hundred sixty-five point thirty-one (465.31),
2 Code 1966, is hereby amended by striking all of lines six (6) through thir-
3 teen (13) and inserting in lieu thereof the words "as the board of super-
4 visors desires, the board by resolution".

1 SEC. 55. Section four hundred sixty-five point thirty-two (465.32), Code
2 1966, is hereby amended by striking from line two (2) the word "trustees"
3 and inserting in lieu thereof the words "board of supervisors".

1 SEC. 56. Section four hundred sixty-six point four (466.4), Code 1966,
2 is hereby amended by inserting in line six (6), after the word "land", the
3 words "and improvements".

1 SEC. 57. Section four hundred sixty-six point five (466.5), Code 1966, is
2 hereby amended as follows:

3 1. By inserting in line seven (7), after the word "lands," the word "im-
4 provements,".

5 2. By striking from line nine (9) the word "exceed" and inserting in lieu
6 thereof the word "exceeds".

7 3. By inserting in line eleven (11), after the word "installments", the
8 words "of twenty or less".

9 4. By striking from line fifteen (15) the word "ten" and inserting in lieu
10 thereof the word "twenty".

1 SEC. 58. Section four hundred sixty-six point seven (466.7), Code 1966,
2 is hereby amended as follows:

3 1. By inserting in line thirteen (13), after the word "lands", the words
4 "and improvements".

5 2. By inserting in line seventeen (17), after the word "work", the follow-
6 ing:

7 "except that if such work is of the kinds contemplated by section four
8 hundred fifty-five point one hundred thirty-five (455.135), and the cost
9 thereof is within the limitations of said section, or is of the kinds contem-
10 plated by section four hundred fifty-five point two hundred one (455.201),
11 and the cost thereof is within the limitations of said section, then the pro-
12 visions of section four hundred fifty-five point one hundred thirty-five
13 (455.135) or section four hundred fifty-five point two hundred one (455.201)
14 shall supersede the limitations of this section."

1 SEC. 59. The county board of supervisors of any county of this state
2 in which one or more drainage districts are established may by resolution
3 establish a board of county drainage administrators. All of the powers, du-
4 ties, and responsibilities now or hereafter conferred on county boards of
5 supervisors in chapters four hundred fifty-five (455), four hundred fifty-six
6 (456), four hundred fifty-seven (457), four hundred fifty-eight (458), four
7 hundred fifty-nine (459), four hundred sixty (460), four hundred sixty-one
8 (461), four hundred sixty-two (462), four hundred sixty-three (463), four hun-
9 dred sixty-four (464), four hundred sixty-five (465) as amended by this
10 Act, four hundred sixty-six (466), and four hundred sixty-seven (467) of
11 the Code shall thereupon be transferred to and thereafter exercised by the
12 board of county drainage administrators.

1 SEC. 60. When establishing a board of county drainage administra-
2 tors, the board of supervisors shall divide the county, along township lines,
3 into three drainage administrator areas of approximately equal territory.
4 The board of county drainage administrators shall consist of one resident
5 freeholder appointed by the county board of supervisors from each area,
6 and at least two of the administrators shall be agricultural landowners.
7 The members first appointed shall hold office for terms of one, two, and
8 three years respectively, as indicated and fixed by the county board of
9 supervisors. Thereafter, succeeding members shall be appointed for a term
10 of three years, except that vacancies occurring otherwise than by expiration
11 of a term shall be filled by appointment for the unexpired term. Any mem-
12 ber of the board of county drainage administrators who shall cease to have
13 any of the qualifications prescribed by this section shall thereupon be dis-
14 qualified as a member of the board and his office shall be deemed vacant.
15 Members of the board of county drainage administrators may be removed
16 by the county board of supervisors for cause, but every such removal shall
17 be by written order which shall be filed with the county auditor.

1 SEC. 61. The members of the board of county drainage administrators
2 shall each receive seventeen dollars and fifty cents per day for each day
3 actually devoted to the duties of their office, ten cents for every mile trav-
4 eled in going to and from meetings of, or other places of performing the
5 duties of, said board, and other actual and necessary expenses incurred in
6 the performance of their duties.

1 SEC. 62. The compensation and expenses of the county board of drain-
2 age administrators, for each day or portion thereof necessarily expended
3 in the transaction of the business of a drainage or levee district, shall be
4 paid out of the funds of the district served. The administrators shall file
5 with the auditor or auditors, as the case may be, itemized, verified state-
6 ments of their time devoted to the business of the district and the expenses
7 incurred. If the administrators transact business of more than one district
8 on a given day, they shall prorate their claims for compensation propor-
9 tionately among the districts served on that day, but in no case shall a
10 member of the board of county drainage administrators claim or receive a
11 sum in excess of seventeen dollars and fifty cents, plus actual and necessary
12 expenses, for a single day.

1 SEC. 63. Section four hundred sixty-six point four (466.4), Code 1966,
2 is hereby amended by striking in lines eight (8) and nine (9) the words
3 "that where the proposed improvement is for drainage only,".

1 SEC. 64. The state of Iowa, its agencies and subdivisions shall be
2 financially responsible for drainage and special assessments against land
3 which they own, or hold title to, within existing drainage districts.

1 SEC. 65. Nothing in this Act shall be construed to deny any drainage
2 or levee district the power to establish a board of trustees in the manner
3 provided by chapter four hundred sixty-two (462) of the Code.

Approved April 30, 1969.

CHAPTER 261

LEVEE AND DRAINAGE DISTRICTS

S. F. 181

AN ACT relating to levee and drainage districts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter four hundred fifty-five (455), Code 1966, is hereby
2 amended by adding thereto the following:
3 "If it should develop that any type of public improvement, other than
4 the forces of nature, has caused such a change in the district as to effective-
5 ly sever and cut off some of the land in the district from other lands in the
6 district and from the improvements in the district in such a way as to de-
7 prive the land of any further benefits from the improvement, or in some
8 manner to divide the benefits that may be derived from two separated por-
9 tions of the improvement, then the board of supervisors or the board of
10 trustees in charge may upon notice to interested parties and hearing as
11 provided by this chapter for the original establishment of a district make