

Reported Recommending
Ind. Postponed
Passed Senate
Failed to Pass Senate
Passed House
Failed to Pass House

House File 480

February 27, 1947.
Passed on File.

By DRAINAGE COMMITTEE.

A BILL FOR

An Act to permit counties to co-operate with the Federal Government, the State, its sub-divisions and instrumentalities in the construction and maintenance of flood and erosion control projects in the state and to levy a tax for maintenance thereof.

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

1 Section 1. Whenever the federal government or any
2 agency or department thereof shall engage in any flood
3 or erosion control project on any water shed within the
4 boundaries of this state and shall require as a pre-
5 requisite the co-operation of the state or other authorized
6 taxing division, the counties in which said project may be
7 carried on shall have the jurisdiction, power and authority
8 through the board of supervisors to aid in the construction
9 of said projects on lands under the control or jurisdiction
10 of the county and to maintain the project, structures, or
11 construction when dedicated to county use. Such flood or
12 erosion project shall be presumed to be for the protection
13 of the tax base of the county, for the protection of the
14 public roads and lands and for the protection of the public

15 health, sanitation, safety and general welfare.

1 Sec. 2. Any county may in accordance with the
2 provisions of this chapter accept federal funds for aid
3 in the control of floods and soil erosion and it may
4 assume such a portion of the cost of the project, and
5 may assume the maintenance cost of the same on lands
6 under the control or jurisdiction of the county as will
7 not be discharged by the federal aid or grant.

1 Sec. 3. The board of supervisors of the affected
2 counties may co-operate with each other or with other
3 state subdivisions or instrumentalities as well as the
4 United States government to establish, construct and
5 maintain suitable structures or levees and controls on
6 public roads or other public lands, or other lands granted
7 county use.

1 Sec. 4. When structures or levees necessary for
2 flood or soil erosion control are constructed on county
3 roads, the cost shall be considered a part of the cost
4 of road construction.

1 Sec. 5. Where construction of projects has been
2 completed by the federal government on private lands
3 under an easement granted to the county, the cost of main-
4 tenance only may be assumed by the county.

1 Sec. 6. In the proceedings to establish such a
2 project the government engineer shall set forth in his
3 report separately from other items, the amount of the cost

4 of construction on county property and on private lands,
5 and his estimate of the cost of the maintenance of the
6 same.

7 If the plan is approved by all co-operating agencies
8 and the project established as a flood or erosion control
9 project the board of supervisors shall make a written
10 record of any such co-operative arrangement and may use
11 such part of the funds of the county now authorized by
12 law and by this chapter as may be necessary to pay the
13 amount agreed upon toward the construction, maintenance
14 and cost of such project.

1 Sec. 7. Any flood or erosion control structures
2 which are built on private land with federal or other funds
3 when dedicated to the county use shall be maintained in
3 the same manner as its own county owned or controlled
4 property.

1 Sec. 8. In counties where soil conservation districts
2 exist the commissioners in said county shall be responsible
3 for the inspection of all flood and erosion control structures
4 built on private land under easement to the county; shall
5 furnish such technical assistance as they may have available
6 in making estimates of needed repairs without cost to the
7 county, and shall report any needed repair and the nature
8 thereof to the county board of supervisors.

1 Sec. 9. The county board of supervisors may annually
2 levy a tax not to exceed one quarter ($\frac{1}{4}$) mill on all lands

3 in the county, the same to be used as a maintenance fund
4 for structures built on lands under the control or jurisdiction
5 of the county, as provided for in this chapter.

1 Sec. 10. This act contemplates that the actual
2 direction of the project or projects and the actual work
3 done in connection therewith will be assumed by the federal
4 government and that the county or other state subdivisions
5 or instrumentalities jointly will meet the obligations
6 required for federal co-operation and may make proper
7 commitment for the care and maintenance of the project
8 after its completion for the general welfare of the public
9 and the residents of the respective counties.

1 Sec. 11. The counties in maintaining the structures
2 or improvements made under such a project shall do so in
3 a like manner and under like procedure as that used in the
4 maintenance of its highways. Any co-operative agreements
5 with other state subdivisions or instrumentalities shall
6 conform with such an agreement as to the proportion of
7 maintenance cost.

1 Sec. 12. If any of the provisions of this chapter
2 shall be held invalid or unconstitutional such invalidity
3 or unconstitutionality shall not affect other provisions
4 of this chapter and to these ends the provisions of this
5 chapter as amended are declared to be severable.

1 Sec. 13. This act being deemed of immediate importance
2 shall be in full force and effect from and after its publication

3 in the a newspaper published at
4 Iowa, and in the a newspaper published
5 at Iowa.

EXPLANATION OF H. F. 480

This bill will authorize counties to cooperate with the Federal Government, the state and other subdivisions of government in the construction and maintenance of flood and erosion control projects.

Congress recently passed an enabling act providing for flood relief projects and in which the Federal Government will assume the cost of all of the construction work providing the state, county or other governmental units will bear the cost of purchasing the land and assume the maintenance costs after the projects have been constructed.

This bill will permit governmental units to plan on the basis of an entire water-shed such as the Little Sioux River and the entire water-shed of that river course. This would include some one-half dozen counties or more but the plan would be approached as a unit and the work would be done in the upper parts of the water-shed. Gulleys and ditches would be dammed and a program enhanced which will materially reduce siltage and will attempt to retain, through soil conservation methods, terracing, gully-ing work and other constructive measures to hold back the water and the resulting silt which accompanies it.

Cooperation of all governmental units is required and there is no effective statute on the books which permits this at this time.

The Board of Supervisors may, by permissive legislation, levy a tax not to exceed one-quarter ($\frac{1}{4}$) mill on all lands in the county for the maintenance of these projects after they have been built.

This bill has the support of the Department of Agriculture and the State Soil Conservation Service.