

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

Senate File 336

February 25, 1947.
Passed on File.

By AGRICULTURE 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 agency
2 or department thereof shall engage in any flood or erosion
3 control project on any water shed within the boundaries of
4 this state and shall require as a prerequisite the co-opera-
5 tion of the state or other authorized taxing division, the
6 counties in which said project may be carried on shall have
7 the jurisdiction, power and authority through the Board of
8 Supervisors to aid in the construction of said projects on
9 lands under the control or jurisdiction of the county and to
10 maintain the project, structures, or construction when dedicated
11 to county use. Such flood or erosion project shall be presumed
12 to be for the protection of the tax base of the county, for
13 the protection of public roads and lands and for the pro-
14 tection of the public health, sanitation, safety and general
15 welfare.

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

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

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

1 Sec. 5. Where construction of projects has been completed
2 by the Federal Government on private lands under an easement
3 granted by the county, the cost of maintenance only may be
4 assumed by the county.

1 Sec. 6. In the proceedings to establish such a project
2 the Government engineer shall set forth in his report
3 separately from other items, the amount of the cost of
4 construction on county property and on private lands, and his
5 estimate of the cost of the maintenance of the same. If the

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

1 Sec. 7. Any flood or erosion control structures which
2 are built on private land with federal or other funds when
3 dedicated to the county use shall be maintained in the same
4 manner as its own county owned or controlled 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 there-
8 of 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 for
4 structures built on lands under the control or jurisdiction of
5 the county, as provided for in this chapter.

1 Sec. 10. This act contemplates that the actual direction
2 of the project or projects and the actual work done in connec-

3 tion therewith will be assumed by the Federal Government and
 4 that the county or other state subdivisions or instrumentalities
 5 jointly will meet the obligations required for Federal co-
 6 operation and may make proper commitment for the care and main-
 7 tenance of the project after its completion for the general
 8 welfare of the public and the residents of the respective
 9 counties.

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

1 Sec. 12. If any of the provisions of this chapter shall
 2 be held invalid or unconstitutional such invalidity or
 3 unconstitutionality shall not affect other provisions of this
 4 chapter and to these ends the provisions of this chapter as
 5 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 publica-
 3 tion in the....., a newspaper published
 4 at....., Iowa, and in the.....,
 5 a newspaper published at....., Iowa.