

MAR 3 2006
Place On Calendar

HOUSE FILE 2635
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 723)

Passed House, Date 3-8-06 Passed Senate, Date 4-4-06
Vote: Ayes 98 Nays 0 Vote: Ayes 50 Nays 0
Approved April 12, 2006

A BILL FOR

1 An Act relating to drainage and levee districts by providing for
2 the publication of notice and the letting of bids.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2635

1 Section 1. Section 468.34, Code 2005, is amended to read
2 as follows:

3 468.34 ADVERTISEMENT FOR BIDS.

4 The board shall publish notice once each week for two
5 consecutive weeks in a newspaper published in the county where
6 the improvement is located, and publish additional
7 advertisement and publication elsewhere as the board may
8 direct. The notice shall state the time and place of letting
9 the work of construction of the improvement, specifying the
10 approximate amount of work to be done in each numbered section
11 of the district, the time fixed for the commencement, and the
12 time of the completion of the work, that bids will be received
13 on the entire work and in sections or divisions of it, and
14 that a bidder will be required to deposit with the bid cash, a
15 certified check on and certified by a bank in Iowa, or a
16 certified share draft from a credit union in Iowa payable to
17 the auditor or the auditor's order, at the auditor's office,
18 in an amount equal to ten percent of the bid, in no case to
19 exceed ten thousand dollars. ~~If the estimated cost of the~~
20 ~~improvement exceeds fifteen thousand dollars, the board may~~
21 ~~make additional publication for two consecutive weeks in a~~
22 ~~contractors' journal of general circulation, giving only the~~
23 ~~type of proposed construction or repairs, estimated amount,~~
24 ~~date of letting, amount of bidder's bond, and name and address~~
25 ~~of the county auditor.~~ All notices shall fix the date to
26 which bids will be received and upon which the work will be
27 let. However, when the estimated cost of the improvement is
28 less than ten fifteen thousand dollars, the board may let the
29 contract for the construction without taking bids and without
30 publishing notice.

31 Sec. 2. Section 468.66, Code 2005, is amended to read as
32 follows:

33 468.66 BIDS REQUIRED.

34 In case the board shall finally determine that any such
35 changes as defined in section 468.62 shall be made involving

1 an expenditure of ~~ten~~ fifteen thousand dollars or more, the
2 work shall be let by bids in the same manner as is provided
3 for the original construction of such improvements.

4 EXPLANATION

5 This bill amends Code chapter 468 which authorizes a
6 governing board, usually a county board of supervisors and
7 sometimes a joint board of supervisors or a board of trustees,
8 to establish and administer a drainage district or districts,
9 and to locate and establish levees. This includes the
10 authority to maintain a levee, ditch, drain, watercourse, or
11 settling basin, and to modify natural watercourses within its
12 jurisdiction (Code section 468.1). The cost of establishing
13 and maintaining a district is borne by the owners of land
14 within the district who are responsible for paying an
15 assessment.

16 The bill amends Code section 468.34, which provides that
17 before an improvement is made, the board must publish a notice
18 in the county where the improvement is to be located. The
19 notice must provide information regarding the scope of the
20 work required to make the improvement and call for bids.
21 Further notice requirements are established based on the
22 estimated cost of the improvements.

23 The Code section provides that if the estimated cost
24 exceeds \$15,000, the board may publish a notice in a
25 contractor's journal of general circulation. The bill
26 eliminates the language relating to the secondary publication.

27 The Code section also provides that when the estimated cost
28 of the improvement is less than \$10,000, the board may let the
29 contract to a contractor to make the improvement without
30 publishing notice or taking bids. The bill increases that
31 amount to \$15,000.

32 Code section 468.62 allows a board to let contracts to
33 contractors for purposes of making improvements after there
34 has been a change of conditions to a plan of improvement
35 required when a district is created in cooperation with the

1 United States government (see Code section 468.201). Code
2 section 468.66 requires that bids be let in the same manner as
3 provided for the original construction, unless the estimated
4 cost is less than \$10,000. The bill also increases that
5 amount to \$15,000.

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Mertz, Chair
Rayhons
LALK

HSB 723

Agriculture

HOUSE FILE _____

OF 0 2635

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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HOUSE FILE 2635

AN ACT

RELATING TO DRAINAGE AND LEVEE DISTRICTS BY PROVIDING FOR THE PUBLICATION OF NOTICE AND THE LETTING OF BIDS.

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

Section 1. Section 468.34, Code 2005, is amended to read as follows:

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let. However, when the estimated cost of the improvement is less than ~~ten~~ fifteen thousand dollars, the board may let the contract for the construction without taking bids and without publishing notice.

Sec. 2. Section 468.66, Code 2005, is amended to read as follows:

468.66 BIDS REQUIRED.

In case the board shall finally determine that any such changes as defined in section 468.62 shall be made involving an expenditure of ~~ten~~ fifteen thousand dollars or more, the work shall be let by bids in the same manner as is provided for the original construction of such improvements.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2635, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 12, 2006

THOMAS J. VILSACK
Governor