

GB
1399.4
.I8
I595
1948

State of Iowa
1948

REPORT
of the
**Interim Flood Control
Committee**

to

GOVERNOR ROBERT D. BLUE
For Submission to the Fifty-Third General Assembly



Printed by the
STATE OF IOWA
1948

State of Iowa
1948

REPORT
of the
**Interim Flood Control
Committee**

to

GOVERNOR ROBERT D. BLUE
For Submission to the Fifty-Third General Assembly



Printed by the
STATE OF IOWA
1948

IOWA INTERIM FLOOD CONTROL COMMITTEE

The Iowa Interim Flood Control Committee was created under the provisions of Chapter Four, Acts of the Fifty-Second General Assembly in Extraordinary Session. Its membership is as follows:

Appointed by the President of the Senate:

GEORGE FAUL,
of Des Moines, Polk County.

DE VERE WATSON,
of Council Bluffs, Pottawattamie County.

LEROY S. MERCER,
of Iowa City, Johnson County.

Appointed by the Speaker of the House:

M. F. HICKLIN,
of Wapello, Louisa County.

W. S. LYNES,
of Waverly, Bremer County.

J. E. HANSEN,
of Dedham, Carroll County.

Appointed by the Governor:

W. D. ARCHIE,
Newspaper Publisher,
of Shenandoah, Page County.

L. C. CRAWFORD,
of Iowa City, Johnson County,
District Engineer, United States Geological Survey.

H. GARLAND HERSHEY,
of Iowa City, Johnson County,
State Geologist.

W. M. DARBYSHIRE,
Member State Soil Conservation Committee,
of Rockwell City, Calhoun County.

W. J. SCHLICK,
Research Professor Civil Engineering, Iowa State College,
of Ames, Story County

A. H. WIETERS,
Former Director, Division of Public Health Engineering, State Health
Department,
of Des Moines, Polk County.

Counsel:

HAROLD NEWCOMB,
Des Moines, Polk County

Technical Advisor:

LOUIS H. COOK,
of Des Moines, Polk County,
Director of Research, Iowa State Tax Commission.

CONTENTS

Part	Page
Membership of Committee.....	2
Advisors to Committee.....	4-5
A Memorial.....	6
Foreword and Explanation.....	7
I MATTERS OF COMMITTEE CONSIDERATION AND EXPLANATION OF REPORT	
Major Conclusions.....	10
Transmittal to Governor.....	11
General Problems.....	12
Drainage.....	12
Soil Erosion.....	12
Erosion and Flood Losses.....	13
Control Results.....	13-14
Flood Protection.....	14-15
Farm Requirements.....	15
Conservation Districts.....	15-16
Erosion Control Progress.....	16-17
Improvement Districts.....	17
Federal Projects.....	17
State Must Have Voice.....	18
Approval Provisions.....	18-19
State Representation.....	19
Pending Federal Projects.....	19-20
Local Effects.....	20
Missouri River Basin.....	20-21
Ground Water.....	21
Water Table Levels.....	21
Basic Data.....	21-22
Topographic Maps.....	22
Forestry.....	22-23
Stream Pollution.....	23-24
Sewage Treatment.....	24
Operation of Sewage Treatment Plants.....	24-26
Proposed Legislation.....	26
Pollution Definition.....	26-27
State Jurisdiction.....	27
Industrial Pollution.....	27-28
Pollution Prevention.....	28
Stream Flow Maintenance.....	29
Headwater Storage.....	29
Emergency Flood Assistance.....	29-30
Correlation Required.....	30
Divided Controls.....	31
State Agency Required.....	31-32
Further Studies Needed.....	32
Council Personnel.....	32-33
II RECOMMENDED LEGISLATION	
Recommended Legislation.....	36
Iowa Water Control and Resources Council.....	36-37
Conservancy and Flood Control Districts.....	37-38
Water Pollution.....	38
Soil Conservation.....	38
Reorganization of School Districts.....	38-39
Financing of Sewage Treatment Plants.....	39-40
Flood Protection by Cities and Towns.....	40
Drainage Bills.....	40-41
Amending Chapter 455.....	40-41
Amending Chapter 462.....	41
Amending Chapter 465.....	41
Federal Payments to Tax Districts.....	41-42
III TEXT OF BILLS AS SUBMITTED	44-69

ADVISORS TO THE COMMITTEE

In the course of its activities, the committee called upon many citizens of the State of Iowa for assistance or advice on matters relating to the work of the committee. These advisors did not participate in all of the meetings of the committee and in many cases, probably are not in accord with all of the recommendations of the report. The committee feels, however, that it should give recognition to these men for their interest and accordingly present the following list of advisors to whom it desires to express its appreciation. The committee desires it to be distinctly understood that the listing of these names does not in any way commit anyone of these advisors to support the conclusions of the committee, but it merely is recognition of valuable services rendered in their capacity as interested citizens. This list, of course, is not complete, as many other Iowans also gave helpful assistance in the preparation of the committee report.

C. L. Fitch, Ames, Iowa,
Secy.-Treas., Iowa State Vegetable Growers Association.

G. L. Ziemer, Des Moines, Iowa,
Former Director, State Conservation Commission.

Louis H. Cook, Des Moines, Iowa,
Director of Research, Iowa State Tax Commission.

John Pray, Fort Dodge, Iowa,
Superintendent of Public Utilities, Fort Dodge, Iowa; Past President of
Iowa Section of American Water Works Association; Past President
of Iowa Sewage Works Association.

S. R. Ames, Lincoln, Iowa,
Vice President, Iowa Water Well Drillers Association.

Professor John M. Aikman, Ames, Iowa,
For the past five years chairman of the Water Conservation Committee
of the Iowa Academy of Science.

Professor Hayes Black, Iowa City, Iowa,
United States Public Health Service.

Q. C. Ayres, Ames, Iowa,
Assistant to President, Iowa State College.

Fred R. White, Ames, Iowa,
Chief Engineer, Iowa Highway Commission, Ames, Iowa.

R. A. Wilcox, Ames, Iowa,
Federal Soil Conservation Service.

Clyde Spry, Des Moines, Iowa,
Assistant Secretary of Agriculture.

Ralph M. Crane, Carroll, Iowa,
Attorney.

Edwin R. Hicklin, Wapello, Iowa,
Attorney; Chairman Iowa Flood Control Association.

R. E. White, Ottumwa, Iowa,
Attorney.

John Hale, Burlington, Iowa,
Attorney.

E. J. Grier, Ottumwa, Iowa,
Attorney.

Jay Darling, Des Moines, Iowa,
Register and Tribune, Des Moines, Iowa; recognized authority on Wild
Life Conservation.

G. M. Browning, Ames, Iowa,
Soil Conservation Service, Iowa State College.

A. H. Cunningham, Storm Lake, Iowa,
Member of Board of State Engineering Examiners.

C. H. Young, Muscatine, Iowa,
Consulting Engineer.

Ries Tuttle, Des Moines, Iowa,
Register and Tribune, Des Moines, Iowa.

W. E. Galligan, Ames, Iowa,
Professor of Sanitary Engineering, Ames, Iowa.

Bruce F. Stiles, Des Moines, Iowa,
Director, State Conservation Commission.

Everett Speaker, Des Moines, Iowa,
State Conservation Commission.

Paul J. Houser, Des Moines, Iowa,
Director, Division of Public Health Engineering, State Department
of Health.

William Lodwick, Sedan, Iowa,
Sedan Farms.

J. M. Considine, Marshalltown, Iowa,
Marshalltown Manufacturing Company.

Charles Strickland, Mason City, Iowa,
President, Peoples Gas and Electric Company.

Col. W. N. Leaf, U. S. A.,
District Engineer, Rock Island District Corps of Engineers, deceased.

A MEMORIAL

To the memory of Colonel W. N. Leaf, U. S. A., District Engineer, Rock Island District of the Corps of Engineers, who died suddenly in April 1948, the Committee desires especially to pay its profound respect. Colonel Leaf gave untiringly and unselfishly of his time and services in order that the Committee might have the fullest understanding of the projects and undertakings of the War Department as they relate to the flood control program of the upper Mississippi Valley. His engineering skill, the services of his Department, and his broad knowledge of similar problems and their handling in other States, were valuable contributions to the work of this Committee.

We are impressed that by his death the Corps of Engineers and the Government have lost a distinguished soldier and a conscientious and understanding public servant, who in the highest tradition of the U. S. Corps of Engineers was advancing its program and was developing the fullest degree of cooperation with the State Government of Iowa in relation to flood control problems.

FOREWORD AND EXPLANATION

The report as submitted represents the general concensus of members of the committee. No minority reports or discussions of any members of the committee are presented. Members of the committee were not in entire accord as to some of the details of the recommendations submitted, and each member of the committee reserves the right to suggest amendments of certain provisions to the members of the General Assembly.

Part I of the report includes a general summary of major conclusions of the committee, together with a discussion of the general subject of water resources and flood control, including the presentation of facts and arguments which were considered in the drafting of this report.

Part II of the report includes a discussion of the various bills presented and a brief explanation of each bill. This discussion is followed by a presentation of the text of the bills as prepared. The committee recognizes the fact that the bills as prepared will require careful study by members of the General Assembly and in many cases will be materially amended before action is taken. The bills are presented for the purpose of affording the General Assembly a foundation upon which to base its deliberations.

CONTENTS

Introduction	1
Chapter I	10
Chapter II	25
Chapter III	40
Chapter IV	55
Chapter V	70
Chapter VI	85
Chapter VII	100
Chapter VIII	115
Chapter IX	130
Chapter X	145
Chapter XI	160
Chapter XII	175
Chapter XIII	190
Chapter XIV	205
Chapter XV	220
Chapter XVI	235
Chapter XVII	250
Chapter XVIII	265
Chapter XIX	280
Chapter XX	295
Chapter XXI	310
Chapter XXII	325
Chapter XXIII	340
Chapter XXIV	355
Chapter XXV	370
Chapter XXVI	385
Chapter XXVII	400
Chapter XXVIII	415
Chapter XXIX	430
Chapter XXX	445

PART I
GENERAL CONCLUSIONS

Part I

MAJOR CONCLUSIONS

1. It is imperative that there be established by the State of Iowa a State Water Control and Resources Council for the purpose of correlating activities of the Federal Government, the State of Iowa, and the local governments of the State in all activities relating to flood control, soil conservation, forestry, drainage, water supplies and allied subjects.

2. The State must take cognizance of the fact that the present loss of the vital natural resources of the State through soil erosion and floods presents an emergency which requires immediate action, and that under existing laws no provisions are made either by the State or by local agencies for the financing of flood control and soil erosion control projects adequate to meet present demands.

3. In order to meet emergencies now arising as a result of the activities of the federal government in flood control, soil erosion and associated matters affecting the State of Iowa, the proposed State Water Control and Resources Council must have adequate power and authority to represent intelligently the State of Iowa and the local governments of the State of Iowa in their relations with the federal government.

4. The State should look forward towards the establishment of special districts financed in part at least, under special assessments which may combine in their activities flood control, soil erosion and drainage.

5. Existing Iowa legislation is apparently inadequate to permit cities and towns to establish and finance satisfactory sewage disposal systems. Laws should be enacted to remedy this condition.

6. Present laws relating to stream and lake pollution should be revised to insure the State Board of Health and associated State agencies ample authority to safeguard the public health by the prevention of pollution of the waters of the State whether they be surface or underground.

7. The existing drainage laws of the State are in need of certain revisions to render the operation of these laws more efficient.

8. Preservation of the ground waters of the State, the maintenance of satisfactory water table levels and the prevention of pollution of underground waters is a major problem requiring intensive study, which should be undertaken by the State Water Control and Resources Council before recommendations can be made intelligently.

9. There now exists considerable confusion as to the authority and powers of the various State agencies whose activities relate to the general subject of the water resources of the State. This confusion should be eliminated by corrective legislation.

10. In any general plan for the control of floods or the mitigation of their effects, all methods, for example, reservoirs, levees, soil conservation or channel rectification must be considered and that method or combination of methods in which the annual benefits exceed the annual costs and through which a maximum of protection is obtained should be selected.

TRANSMITTAL TO GOVERNOR

Des Moines, Iowa, December 15, 1948
To the Honorable Robert D. Blue,
Governor of Iowa

Under the provisions of House Joint Resolution Number One, enacted by the Extraordinary Session of the Fifty-Second General Assembly, a committee of twelve members, to be known as the Interim Flood Control Committee was established.

The resolution, as enacted by the legislature, provided: "It shall be the duty of said committee to study and ascertain the needs of the State of Iowa for laws, creating policies and programs relating to the use and control of the streams and underground waters of the State, erosion, floods, drainage, as well as the conservation of waters and water courses and related subjects, and to prepare and submit a printed report, together with recommendations to the next General Assembly, accompanied with drafts of recommended legislation. Such report shall be filed by December 15, 1948, in the office of the Governor, and there-upon the committee shall be discharged."

Under the provisions of this resolution the committee has organized and has made as thorough a study of the subjects embodied in the resolution as has been possible during this relatively short period of time given it for its deliberations. A number of public hearings with generous advance publicity have been held relating to various phases of the general problem of water resources of the State. An opportunity has been given interested citizens to appear before the committee.

In presenting its report, the committee desires first to present in brief form some of the major phases of flood control, water resources and drainage as they relate to present and future legislative enactments. This analysis begins on the following page.

GENERAL PROBLEMS

The general problem of water resources involves a wide variety of fields, ranging from local drainage and soil conservation activities to participation in the nation-wide efforts of the federal government in the fields of flood control, soil conservation, conservation of water resources and navigation. In Iowa, your committee finds that drainage, soil conservation, public health, conservation of natural resources and prevention of flood damage are so inter-related that it is not possible to consider any one of these phases without taking into consideration one or more additional phases.

At the present time the Code of Iowa contains a large number of separate and distinct laws bearing upon one or more phases of the general subject. These laws have been enacted at different times without regard to overall results or correlation of plan and the result has been that there are, at the present time, many undesirable duplications and conflicts of authority.

DRAINAGE

The drainage laws of Iowa date back even to territorial days. Insofar as their original purposes were concerned, they have proved very efficient in operation. The committee has made a reconnaissance study of the existing drainage laws and is presenting certain recommendations, having for their purpose the clarification of the law and providing for certain amendments which in the opinion of the committee will lead to greater efficiency in the operation of the law. It has become apparent, however, that drainage alone cannot solve present-day problems relating to flood control and soil erosion. The drainage district at best can only consider the immediate problems of the territory included in the district. It is common knowledge that in many cases the operation of one drainage district, though it may be entirely satisfactory, so far as that district is concerned, may very frequently increase the problems of other land owners outside the boundaries of the district.

SOIL EROSION

Any program of effective water control is directly affected by the management of the land where the water falls. With this in mind the committee takes the position that the whole soil conservation program should be tied in directly with the flood control program.

The State of Iowa is squarely confronted with the problem of establishing a continuing program calculated to preserve the future productivity of its soil. There is a public interest in this subject which is equally important to the people of the State as a whole, and the owners and occupants of the lands. This public interest should be considered hand in hand with the rights of present ownership and occupation in such manner that both the interests of the public and those of the landowners shall be preserved for future generations.

It is highly reasonable to assume that in the very near future private use that interferes with the public interest must be curtailed and that unless sound conservation practices are voluntarily adopted, the necessity of protecting future generations will make it compulsory upon private owners to follow proper conservation practices.

The State of Iowa has just passed its one hundredth birthday. In that short period of farming by exploiting the land much damage has been done to the soil resources of the State. A soil erosion reconnaissance survey completed by the Iowa Agricultural Experiment Station and the United States Soil Conservation Service in 1936 indicates that of the thirty-five million acres of land in the State, only thirteen per cent had suffered little or no erosion damage. Approximately one-third of the land had lost up to twenty-five per cent of its topsoil. More than fourteen per cent of the land had lost twenty-five to fifty per cent of the topsoil and showed moderate gullying. On nearly a third of the land with moderate to excessive gullying fifty to seventy-five per cent of the fertile topsoil had been washed away. It was found that nine per cent of the land had been stripped of seventy-five per cent or more of the topsoil and that gullying was excessive. Erosion damage to the land in Iowa is continuing and the rate of damage will increase unless steps are taken to bring about wise use of the land through adoption of conservation farming methods.

EROSION AND FLOOD LOSSES

Many examples can be cited to illustrate the seriousness of erosion and flood damage to lands in Iowa. Following a thirty-eight day period of excessive rainfall in May and June 1947, a survey of erosion and flood damage by the Soil Conservation Service revealed a loss of two hundred ninety million tons of soil valued conservatively at two hundred ninety million dollars. Total erosion and flood damage to the land, to crops, railroads and roads, drainage ditch and reservoir sedimentation and gully formation was estimated at four hundred twenty-four million dollars, and this for one year only.

The rapid destruction of soil resources can and must be halted. Methods of farming have been developed and proven that will effectively control erosion and reduce runoff. Where these methods have been adopted by farmers erosion and other damage from water runoff has been materially reduced. The application of co-ordinated conservation farming programs farm by farm in a watershed provides an effective means of controlling erosion and reducing flood damage. The coordinated farm conservation plans provide for use of each acre of land for the purpose for which it is best suited and under which it will remain productive. It further provides for proper management of the soil through the use of fertilizers, rotation of crops, use of conservation practices such as contouring, grassed waterways, strip cropping, terracing, pasture and woodland improvement, etc. These treatments are combined in a way to produce the maximum return without damage to the soil.

CONTROL RESULTS

Table I gives results obtained from studies on small areas at the Clarinda Experimental Farm which indicates the reductions in erosion and runoff by the application of soil conservation treatments. Per cent reduction in soil and water losses can vary depending on the intensity of the conservation treatments applied. Table II shows the reduction in soil and water losses and increase in corn yield resulting from a practical conservation treatment program.

TABLE NO. I

Effect of Conservation VS. No Conservation Practiced on Erosion and Runoff.

Farming Practices	Erosion Ton Per Acre	Average Annual Runoff % Total Rainfall
Before Conservation Practices Established	25	13
After Establishing Conservation Practices	.5	1
Decrease from Practices	98	92

TABLE II

The effect of Conservation VS. Non Conservation Farming on Erosion, Runoff and Yield of Corn.

Farming Practices	Average Annual		Yield Corn Bu./A
	Erosion Ton Per Acre	Runoff Inches	
Present Farming Practices	25	4.0	50
After Establishing Conservation Practices *	5	1.0	70
Increase or Decrease Per Cent	75	75	40

* This assumes the adoption of soil management practices, needed to maintain soil productivity and control of erosion. The practices required to be based on the needs of different soils and may include one or several practices such as lime, fertilizer, changes in rotations, contouring, strip cropping, terracing, grassed waterways, erosion control structure, and drainage.

Comparisons of damage to land during the May and June storms of 1947 in the areas hardest hit indicated that conservation farmed land lost less than a third as much soil as untreated land. Estimated damages amounted to \$1.34 per acre on land under conservation treatment as compared with \$26.99 per untreated acre.

Floods which previously destroyed crops two out of seven years on Johnson Run near Shenandoah have not occurred since terraces and other conservation measures have been applied on sixty percent of the twelve hundred thirty acre watershed.

FLOOD PROTECTION

Application of a conservation program including gully control structures on the 1800 acre Jones creek watershed in Monona county has prevented flood damage on 1800 acres of bottom land along the Soldier River. Previously flood runoff had damaged crops eight out of ten years. Cleanout of drainage ditches had been required annually. Drainage ditch siltation has been eliminated by the watershed treatment programs.

The application of such a conservation and flood control treatment program in Iowa is a tremendous task. It will require the participation of every land owner and the support and assistance of local, state and federal governments as well as the general public. In order to determine the size of the task and to better plan for doing the job an esti-

mate of some of the (total) physical needs for conservation treatments in Iowa has been prepared by the Soil Conservation Service, Agricultural Experiment Station, Agricultural Extension Service (State Soil Conservation Advisory Committee) based on studies in operating soil conservation districts to determine what will be required to complete the conservation programs recommended by those districts.

Of the thirty-five million acres of land in Iowa, approximately twenty-five million acres are classed as crop land. Sixteen million of these acres are sloping land with slopes greater than two per cent. There are more than two hundred thousand farms in Iowa and it is estimated that a high per cent of the land owners will require technical assistance to plan and apply needed conservation programs. Planning assistance will be required on a high per cent of the farms, however, if the job is to be done in a sound and efficient manner.

FARM REQUIREMENTS

The following is a current estimate of the amounts of certain conservation treatments that need to be applied to farms in Iowa:

TABLE III

Practice	Unit	Amount	Note
Liming Cropland	Acres	18,197,000	Repeat Each 10 Years
Liming Pasture	"	2,470,000	
Fertilizer	"	4,295,000	
Contouring	"	10,764,000	
Strip Cropping	"	3,484,000	
Terracing	"	5,273,000	
Farm Drainage total	"	3,818,500	
Farm Drainage tile	"	1,981,900	
Grassed Waterways	"	928,460	
Diversions	Lin. Feet	67,935,000	
Stock Water Ponds	No.	49,100	
Soil Saving Dams	"	73,430	
Field and Gully Planting	Acres	470,680	
Woodland Improvements	"	940,000	
Pasture Seeding	"	5,146,000	

CONSERVATION DISTRICTS

The Iowa Soil Conservation Districts law was passed by the Iowa legislature in 1939. Since that time much has been accomplished in organizing for and carrying out a voluntary soil conservation program in the State.

Ninety-three soil conservation districts have been organized in ninety-two counties under the leadership of the State Soil Conservation Committee.

Programs of work have been prepared in ninety districts outlining the job to be done and establishing policies and procedure for educational work and for assisting farmers to plan and apply conservation programs and treatments on their farms.

Working relationships have been established to provide for assistance from the Iowa Agricultural Extension Service, the United States Soil Conservation Service and with other local and State agencies.

Conservation education work has been carried out under the guidance of the Extension Service and with assistance of schools, the press, radio, civic and business groups and many other agencies and organizations.

Research projects have been established in many districts through cooperation with the Iowa Experiment stations.

Technical assistance has been furnished to farmers to plan and apply needed farm conservation treatments through cooperation with the United States Soil Conservation Service.

Working relationships have been completed with county boards of supervisors and private engineers and contractors on the establishment and maintenance of public drains.

Earth moving equipment has been made available to farmers on a cost basis through loans from the Soil Conservation Service or by arrangement with contractors.

EROSION CONTROL PROGRESS

The following is a summary of some of the accomplishments made to December 31 in districts in Iowa. The amounts of each practice shown reflect only those practices planned and applied on farms of district cooperators plus "starting practices" applied on farms by district technicians in advance of planning. The summary does not reflect the total conservation measures applied in districts.

TABLE IV

Item	Unit	On Farm Plans Planned	Plans Applied	Starting Practice	Total Applied
Farm Plans	No.	12,519	X	X*	X
Liming	Acres	307,100	58,942	236	
Fertilizer	"	251,991	96,266	87	
Contouring	"	1,007,893	620,134	104,519	
Strip Cropping	"	151,543	88,045	1,536	
Terracing	"	156,543	54,234	3,724	
Farm Drainage	"	67,432	33,737	1,047	
Grassed Waterways	"	19,100	8,200	84	
Diversions	Lin. Feet	2,128,066	970,105	146,800	
Stock Water Ponds	No.	1,303	844	86	
Soil Saving Dams	"	1,347	896	58	
Field and Gully Planting	Acres	4,998	1,624		
Woodland Improvements	"	4,225	916		
Pasture Seeding	"	177,839	67,316	478	

Now that district organization is nearly complete, with cooperative working relationships established, with an effective educational program well established and with operation experience of several years completed it can be expected that the conservation treatment program will move ahead more rapidly. In many districts farmers are ready to plan and apply conservation programs much faster than the available technical help can serve them.

Soil conservation districts and the agencies assisting them have developed the "know how" to accomplish the conservation job but find themselves short of personnel and in some cases equipment and material with which to do the job. Additional technical personnel to help with

the education program and to assist with farm planning and application would serve to speed the program.

Soil and water conservation treatment have been accepted as an essential part of a flood control program. Soil conservation districts are taking the lead in the flood control operations program in the watershed of the Little Sioux river. With the assistance of the United States SCS, the Iowa Extension Service and others they are helping farmers in small watersheds to plan and apply conservation treatments and are guiding extension of federal flood control assistance available for stabilization of gullies in those watersheds.

IMPROVEMENT DISTRICTS

There seems to be no good reason why provision should not be made in the law for the creation and adequate financing of improvement districts which have the power to combine the allied purposes of drainage, soil conservation and flood control, or any two of these aims. Under present laws this is apparently impossible, although in case of projects where federal aid is involved, the Fifty-Second General Assembly did provide for cooperation between drainage districts, cities and towns and counties with the federal government. This legislation enacted by the last General Assembly, however, does not affect activities in which the federal government does not participate. In accordance with the thought that legislation of this character is desirable, the committee presents a draft of a bill which permits the creation of soil conservation districts, financed by special assessment, or a combination of drainage, soil conservation and flood control or any two of these objects as part of the activities of a special district. It has been determined advisable in the drafting of this law to apply the procedure, which has been followed in the creation of drainage districts, and to vest the control of these districts in as large measure as possible with local self-government. The question has been raised as to whether or not such districts can be established and operated under the present constitution of the State of Iowa. A study of court decisions and conferences with representatives of the Attorney General's office indicates that there is nothing in the constitution which prevents the establishment of improvement districts of the character mentioned. Some questions are raised as to the right of such districts to acquire private property for the carrying out of the purposes of the district. It would seem, however, that districts of this character certainly would serve a far reaching public purpose with benefits not only to the individual property owners who might be affected, but to the people of the State as a whole. It is the feeling of the committee that inevitably such activities as flood control and soil conservation will require cooperation by the State on a far greater scale than now exists; for this reason the measure as drawn provides that projects which are of more than a local nature shall be subject to the approval of a State agency representative of the important interests involved.

FEDERAL PROJECTS

So far this discussion has been limited to a review of problems of a State or local nature, however, one of the major questions which brought about the necessity for the creation of this study committee is the fact

that the federal government is now engaged in extremely important activities in the fields of flood control and soil conservation. These activities have already reached a stage where it is essential that the State of Iowa be adequately represented in connection with proposed federal projects.

The federal program for improvement of the Missouri River Valley involves vitally the interests of nine states in the Missouri River basin, of which Iowa is but one. The State has participated in numerous conferences in regard to the Missouri River Improvement, but does not, however, have any agency which is able to make a comprehensive study of Missouri River improvement proposals and their effect upon the economy of the State. There is no provision for the expenditure of funds for this purpose other than those of a purely temporary nature which must be borne by the various departments of State government, which are concerned in the subject of Missouri River Improvement. For the protection of the interests of Iowa, the State cannot afford to be negligent in this matter.

STATE MUST HAVE VOICE

The State must have and exert a voice in determining how the activities of the federal government will affect its interests. All projects which affect the State of Iowa at the present time by federal law must be referred to either the Governor or the proper State agency for approval. It has been the practice of the Governor to refer the proposals to a special committee which is only temporary in nature and the members thereof have limited experience and knowledge, and act without the benefit of a State policy. It is true that while the State, through its congressional delegation does have a voice in the enactment of the original legislation covering this subject, it cannot depend entirely upon its members of Congress to safe-guard the interests of Iowa in the carrying out of the basic laws as they relate to actual construction and policies of river improvement. Not only is the State confronted with the necessity of providing for more active participation in the Missouri River Valley Improvement proposals, but it is also deeply concerned in the general federal policy of flood control, soil erosion control and other major allied projects in the Mississippi and Missouri River valleys under the nationally adopted flood control program.

In regard to such situations the Congress has recognized the joint character of state and federal interests in the United States. Likewise the legislatures of several midwestern states including Illinois, Indiana and Kansas have already created State referral agencies by reason of certain provisions of Public Law 534 of the 78th Congress as approved December 22, 1944, quotations from which are given in part as follows:

APPROVAL PROVISIONS

"Investigations which form the basis of any such plans, proposals, or reports shall be conducted in such manner as to give to the affected state or states, during the course of the investigation, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and, to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigation.

"The relations of the Chief of Engineers with any state under this paragraph (a) shall be with the Governor of the state or such official or agency of the state as the Governor may designate.

"Each report submitting any such plans or proposals to the Congress shall set out therein, among other things, the relationship between the plans for construction and operation of the proposed works and the plans, if any, submitted by the affected states . . .

"The Chief of Engineers shall transmit a copy of his proposed report to each affected state, and, in case the plans or proposals covered by the report are concerned with the use or control of waters which rise in whole or in part west of the ninety-seventh meridian, to the Secretary of the Interior. Within ninety days from the date of receipt of said proposed report, the written views and recommendations of each affected state and of the Secretary of the Interior may be submitted to the Chief of Engineers. The Secretary of War shall transmit to the Congress, with such comments and recommendations as he deems appropriate, the proposed report together with the submitted views and recommendations of affected states and of the Secretary of the Interior. The Secretary of War may prepare and make said transmittal any time following said ninety-day period. The letter of transmittal and its attachments shall be printed as a House or Senate document."

STATE REPRESENTATION

This federal law does not apply to certain projects which were inaugurated prior to its passage, but in all cases where projects have been under contemplation in Iowa by the federal government, request for approval has been made of the State of Iowa. The committee, however, feels that much more is required than an agency which may pass upon certain individual projects. The State authority to which study and investigation of these projects is referred should also have the power to represent the State in all matters relating to water resources, flood control and soil conservation in which the activities of the federal government affects the welfare of citizens of the State of Iowa.

PENDING FEDERAL PROJECTS

Iowa, being a headwater State, is scheduled as the site for several very extensive federal flood control projects. One of these, the damming of the Iowa river just north of Iowa City, has already been formally approved and preliminary activities are under way which will lead to the actual construction of the dam within the next two or three years. In the case of the Coralville dam, a special committee, designated by Governor Blue and including as its personnel experts from various State departments made a study and recommendations in connection with the project for the information of the Governor. A similar committee, including in addition to State experts, representatives of the Iowa General Assembly, has also made some study into the proposal of the government to construct a dam on the Chariton river in Appanoose County. There is now pending a project of much greater magnitude than either that on the Iowa river or the Chariton river project which proposes to control floods on the Des Moines river by a huge dam and reservoir to be located in Marion county, this being the project generally referred to as the Red Rock dam and a special committee has been named to study this project. There are also now in progress in Iowa other surveys, which propose a dam on the Cedar river, an additional dam on the Des Moines river and a flood control program for the Grand river basin in Iowa and Missouri.

These projects inevitably must result, if constructed, in very considerable disturbance of inhabitants of the territory included in and adjacent to the dam sites. In some cases such projects may result in comparatively little benefit to the State of Iowa and considerably greater benefits to inhabitants of territory farther downstream. Obviously these projects cannot be considered entirely from the viewpoint of the State of Iowa alone. The State must eventually adopt a policy as to cooperation with the federal government with regard to these matters. It must also provide legislation which will protect its citizens from undue losses as a result of these projects.

LOCAL EFFECTS

For the purpose of protecting counties and school districts from financial losses as a result of removal of land from taxation through federal flood control projects, the committee presents a bill which provides for the reorganization of school districts which may be disrupted through the acquirement by the government of lands within their borders, by the county boards of education of the counties affected. The measure also provides for the payment to the school districts from the State treasury of taxes which would otherwise be levied for school purposes upon lands taken over by the government. The principle involved is not new and is already in effect as to all land acquired by the State and Federal governments within the State of Iowa. This bill probably will be effective during the term of the coming biennium only in relation to Johnson and Iowa counties, where land is now being acquired by the government for inclusion in the so-called Coralville dam project on the Iowa river. However, should actual construction be commenced on the Des Moines river project, proposed at Red Rock, or in other federal projects elsewhere within the State, the law would become operative as to these enterprises. The committee also presents a bill providing for distribution of funds which may be received from the federal government in connection with the operation of such projects.

The State is vitally interested in the prevention of floods in all of its river valleys and especially so in regard to the Iowa-Cedar, the Des Moines, the Grand, the Chariton, the Little Sioux and the Nishnabotna valleys, to mention only those in which federal activities have already become evident.

MISSOURI RIVER BASIN

In addition to proposed federal flood control by major dams, the government is also participating in flood protection work along all of the courses of the Missouri river in Iowa. It may be mentioned, although it is hardly within the province of this committee to be concerned in other matters than water resource control, that the Missouri river program of the federal government includes within its scope improvement of navigation and power which indirectly has a definite bearing on flood control and soil conservation along this stream. Not only is the federal government active in Iowa projects directly relating to flood control, but is participating in extensive measures relating to soil erosion. The most concrete of these activities is that of the Little Sioux river valley where in cooperation with the government rather far reaching soil erosion projects are now in the course of construction.

It is very possible that federal soil erosion and soil conservation projects may be much further extended in the future. In this field also the State should be able to participate intelligently with the federal government in regard to these activities. Here again, no agency at the present time has either the funds or the personnel or the authority to devote proper attention to the very important problems involved.

GROUND WATER

Over ninety-five per cent of the people of Iowa are dependent upon ground water for their source of water supply. It is therefore our most important source of supply. The history of ground water in older parts of the world has shown that this resource can be misused and its usefulness greatly impaired or destroyed through poor conservation. The constitution of Iowa largely ignores the public interest in regard to underground water. Subsequent legislation concerning subsurface supplies is almost nonexistent. It is timely to consider legislation aimed at sound conservation practices governing the drilling, construction, and abandonment of wells and the use to which wells are put. The desirability of protective measures for underground waters has been recognized for many years. The need for more prudent and objective utilization has recently become more intensified because of the mushroom increase in the use of ground water for air-conditioning in the past fifteen years, the indiscriminate and unrestricted use of wells for drainage purposes, the continued abandonment, without plugging, of contaminated wells and the recent growth of dispersed industry in Iowa requiring ground water.

WATER TABLE LEVELS

It must also be recognized that the maintenance of the water table at a satisfactory level must be one of the primary objects in any program relating to flood control. The construction of large dams, such as these proposed by the federal government is certain to result in changes of ground water levels under adjacent areas, and these changes might prove to be highly deleterious to agricultural interests. It is common experience that the problem is not merely one of maintaining water tables at a certain level generally over the State, but of controlling the water tables. Drainage and tiling have, as one of their major objects, the reduction of ground water levels, whereas, on the whole, it is deemed desirable to maintain ground water levels at a relatively high point. The State has devoted very little real attention to this highly important field.

For the foregoing reasons this committee recommends to the legislature that the proposed Iowa Water Control and Resources Council be instructed to study this matter and prepare legislation for the consideration of the Fifty-Fourth General Assembly providing for the control and regulation of the development of ground water for public, private and industrial water supplies.

BASIC DATA

Before a broad, constructive, and comprehensive flood control, land use and conservation program can be carried on successfully in any field, some facts must be known about related fields. In Iowa the collection of

factual data on water supply began more than fifty years ago. In the past fifteen years it has been intensified. The data obtained include flood, low water and average stream flow and lake stages; pollution, deposition of sediment, temperature and mineralogical content of surface waters; pumpages, water level fluctuations, and ground-water reserves; temperatures, bacteria and chemical quality of well waters; and the geologic factors involved in the planning, drilling and construction of wells for water available in different rock formations at different depths in different parts of the State. The consideration of these factors is dependent upon basic information ready for use. Some information of this type has been collected in the past and has proved invaluable for present use. It is inadequate, however, to meet present needs. Furthermore, it is already discernible that requirements for such information in the immediate future will be greatly expanded. This committee recognizes these deficiencies and recommends that they be rectified and that the collection of basic data pertaining to water resources be intensified to meet future requirements.

TOPOGRAPHIC MAPS

Adequate maps of the area under consideration are one of the first necessities in the sound planning of projects or programs relating to water resources and closely allied works. The best and ultimately the most economical means of satisfying this requirement is by topographic maps. Although about twenty-five per cent of Iowa has been mapped topographically only about eight per cent has been mapped adequately in all details. Other states have recognized the value of up-to-date maps of this type for a variety of technical uses. Topographic mapping in Iowa is far behind adjacent states with similar problems. The following tabulation shows the annual participation for topographic mapping of several surrounding states in recent years in cooperation with the United States Geological Survey.

State	1947	1948
Illinois	\$87,118	\$63,775
Indiana	50,000	50,000
Kansas	9,000	14,000
Missouri	50,506	50,000
Average	42,325	38,555
Iowa	0	0

To do mapping of specific areas as it is needed is inefficient, costly and limited in use. Mapping of large unit areas in the State would be of great value not only to a water resources and control program but to highway construction and location, soil surveys, soil conservation and drainage projects, reforestation, and other uses. The topographic mapping program was permitted to die some years ago. Because this committee recognizes the value and need for such maps it recommends that the program be reinstated on a modest basis for the coming biennium.

FORESTRY

The influence of forestation on flood control and soil erosion is obvious. While in Iowa some progress has been made for the conservation of our

wooded areas there is no concerted program relating to forestation. Both the State Conservation Commission and the State Soil Conservation Committee have recognized the importance of forestry, but neither of these agencies has available any funds in considerable amount which may be devoted to this purpose. The State, has, for many years adopted a policy of granting a virtual tax exemption on wooded areas which are not grazed. The State has also acquired certain wooded areas in southern Iowa and is cooperating with the federal government in connection with these reserves. In Iowa proper land use requires the consideration of timber as a crop best adapted to many tracts of such character as to be unsuited to grass or cultivation.

Iowa has large areas, especially in the southern and northeastern sections of the State which would probably be more valuable and productive were they devoted to trees and grass.

Some data are available to the effect of forestation upon water run-offs and erosion. In a portion of Wisconsin, quite similar to the topography of northeastern Iowa, a four hour storm which yielded two and four-tenths inches of rain removed but seventeen pounds of soil per acre from an ungrazed, wooded area, and seven hundred forty-five pounds per acre from a grazed woodlot. Cleared and sodded pasture lost two hundred twenty pounds of soil per acre during the same storm. In central New York, heavy spring rains washed more than one thousand pounds of soil per acre from clean, cultivated fields, but no measurable amounts from either grassed or forest areas.

In general, it may be said that the water run-off is at least twenty times as rapid from hilly, bare lands as it is from areas which are wooded and grassed. Thus, proper forestation practices in Iowa would not only serve to check erosion, but would also greatly mitigate flood danger from violent storms.

It is suggested that a proper agency such as the State Conservation Commission should have, as one of its duties, the thorough study of forestry needs in the State of Iowa. At the present time we have little basis for recommendations because of the fact that very little consideration has been given to the subject of better utilization of lands through forestation in the State of Iowa.

STREAM POLLUTION

Control of stream pollution is one of the few phases of water control that is non-controversial insofar as its impact on other water uses may be concerned. In many water uses, such as domestic and industrial water supplies, livestock water supplies, propagation of fish and aquatic life, and recreation, the control of pollution is a necessity. In other water uses, such as flood control and power development, pollution may be unimportant; however, the control of pollution is in no way in conflict with such water uses or control.

During the decade of the thirties, substantial improvement in the stream pollution situation was made in Iowa. During that period of time, one hundred twenty-five municipalities installed sewage treatment. During the war, the War Production Board ruled that no materials would be allocated for sewage treatment unless public health was directly involved. Iowa is fortunate in that relatively few municipalities are dependent upon streams as a source of water supply and, as a result, the majority of cases of aggravated pollution did not directly affect public health, but rather affected aquatic life and caused nuisances. Since the

close of the war there has been unprecedented activity on the part of municipalities in planning sewage treatment plants. However, materials and labor have been in short supply and continue to be in short supply. Furthermore, construction costs have soared so that a sewage treatment plant today costs two to three times as much as the same plant would have cost in 1940. Also, there are statutory and constitutional limitations which make it virtually impossible for municipalities, particularly the smaller ones, to finance sewage treatment at present day costs. For the above reasons, since 1941 very few new sewage treatment plants have been constructed and there has been a definite deterioration in the condition of streams from a pollution standpoint since that time.

SEWAGE TREATMENT

Your committee, therefore, presents a measure having for its object the better financing of sewage treatment and disposal plants within the State of Iowa. The General Assembly recently provided for the creation of sanitary districts in the State. These districts have the advantage of being independent units and of being able to incur indebtedness in their own right. The measure as presented applies to sanitary districts the present provisions of the law relating to self-liquidating bonds for the purpose of constructing sewage disposal plants. The new sanitary district law, has as yet been untested in the courts. There seems no good reason, however, why it should not be upheld in such a case. The committee, however, in addition to extending the powers of sanitary districts created under chapter three hundred fifty-eight (358) of the Code also provides for an additional tax levy which may be used for the purpose of meeting interest and principal payments on sewage disposal plant bonds. This is to some degree authorized under existing laws. It is believed that the law will be strengthened by the provisions as suggested.

Following is presented a table which indicates the very great need for improvements in the general sewer systems of cities and towns within the State. Only two hundred seventy-eight of the nine hundred thirty-one municipalities have sewage treatment plants, and only three hundred fifty-two have sanitary sewer systems. While this situation is most acute in the smaller cities and towns, there are some of the larger cities in which sewage conditions are anything but satisfactory.

OPERATION OF SEWAGE TREATMENT PLANTS

With the construction of a sewage treatment plant, the job is only half finished. Unless the plant is operated so as to produce good results and maintained so that it can be operated efficiently for the purpose for which it was designed, inadequate treatment or by-passing the plant will follow with resultant stream pollution.

During the war years and the period following the war, many existing plants in the State have fallen into disrepair and have been inefficiently operated, with the end result that raw sewage is by-passed a considerable portion of the time. Part of the maintenance difficulty was due to war scarcities. However, this situation has improved to the extent that most maintenance materials are now again available. Inefficient operation, however, has been a major factor in the lack of proper maintenance of many plants. Inefficient operation is, for the most part, a direct result

SEWERAGE AND SEWAGE DISPOSAL DATA ON IOWA CITIES AND TOWNS
(BASED ON 1940 POPULATION)
January, 1948

	Municipalities Having Sanitary Sewers		Municipalities Treating Sewage		Per Cent
	No.	Population	No.	Population	
First Class Cities, Population over 15,000	16	710,856	8	426,127	59.9
Municipalities, Population 2,000 - 15,000	95	421,567	77	341,018	80.9
Municipalities, Population 1,000 - 2,000	105	143,357	77	105,092	77.8
Municipalities, Population 500 - 1,000	209	146,657	89	65,016	79.7
Municipalities, Population under 500	506	132,843	27	10,192	86.0
Totals	931	1,555,280	278	947,445	69.6

Note: Of this population, 275,111 reside in municipalities discharging raw sewage into the Mississippi and Missouri rivers where the dilution factor is great. If this population were deducted from the total sewer population, the percentage of population served by sewage treatment would become 87.3.

(Compiled by Division of Public Health Engineering, State Department of Health, Des Moines, Iowa).

of the failure of governing bodies to make the positions of operating sewage treatment plants sufficiently attractive from the standpoint of wages, tenure, and security to attract and hold capable operators. The art of sewage treatment is highly technical and complicated, and to efficiently operate a plant a person must have certain skills and knowledge. The State Department of Health can and does provide technical guidance and assists in conducting operators' schools and short courses. However, with the continuous turnover, the task is almost hopeless. With reduced turnover in employees in combination with the proper technical guidance and training courses by State agencies, including the State educational institutions, better operation will result.

Your committee feels that it is not within the scope of the activities of this committee to sponsor any legislation for the improvement of the status of sewage works operators; however, it believes that this is a very important factor in the entire stream pollution problem and that the committee should lend its encouragement and endorsement to any well conceived legislation which may be introduced to improve the operation of any sewage plants.

PROPOSED LEGISLATION

A study of existing laws on stream pollution in other states was undertaken by your committee, and after deliberation it was concluded that a bill proposed in the report of investigation of the Iowa Great Lakes disposal system made pursuant to Senate Joint Resolution three of the Fiftieth General Assembly, and introduced in the session of the Fifty-first General Assembly and again in the Fifty-second General Assembly, with minor changes, seemed best suited to Iowa's needs. This proposed bill has been submitted to the technical advisors to the committee and received their approval. It also was presented at an open hearing, notice of which was given to the press and individual notices being sent to organizations, groups, and agencies that might be interested in stream pollution legislation.

The committee presents a bill which would amend chapter one hundred thirty-five (135), Code 1946, governing the pollution of streams. Following is a brief discussion of the proposed amendments.

POLLUTION DEFINITION

Section one hundred thirty-five point eighteen (135.18) defines pollution. The amendment clarifies and elaborates the definition contained in chapter one hundred thirty-five (135), but does not materially alter the definition. The only criticism of the bill at the public hearing was on the definition of pollution. It was contended that the definition proposed in the bill was too general and that the discretionary powers of the State Department of Health were so broad in the bill as to make possible the exercise of arbitrary decisions on the part of the Department in determining what constitutes pollution. It is emphasized that your committee carefully considered the matter of defining pollution in specific terms and carefully studied the definitions of pollution in other state laws. Expert testimony before the committee was unanimous in pointing out that a definition of pollution in terms of specific standards is too inflexible to meet any and all conditions which might arise in the administration of a stream pollution act. Your committee further

agreed to consider any proposal of a more specific definition of pollution; however, no such proposal has been submitted to date. It is the well considered opinion of your committee that a specific definition of pollution based upon definite standards is unworkable and, therefore, is recommending a general definition.

In addition to requiring the State Department of Health to make investigations of pollution of water upon the request of certain local groups, it also requires the Department to investigate pollution upon the written petition of any State agency.

STATE JURISDICTION

In existing chapter one hundred thirty-five (135), the power of the State Department of Health does not apply to the lower five thousand feet of any stream flowing into a river at a place where such river forms a part of the boundary line of the State. An amendment proposes to delete this paragraph. With the passage of Public Law Eight hundred forty-five (845), Eightieth Congress, the federal government exercises jurisdiction of the pollution of interstate waters after notifying the State pollution agency of such pollution. Thus unless this paragraph is removed from the law, the federal government would have the only jurisdiction over the pollution of Iowa border streams and the lower five thousand feet of tributaries discharging into such border streams. Your committee feels that the State should retain jurisdiction over such waters.

Section one hundred thirty-five point nineteen (135.19) makes it optional for the Department to include complete investigations, including bacteriological and chemical analysis of the water, rather than a mandatory complete investigation required by the present law. The reason for making this optional is that there are many cases of pollution which are so obvious that the cost of complete investigations, including laboratory investigations, is unwarranted.

Section one hundred thirty-five point twenty-two (135.22) requires approval by a majority of members of the State Executive Council in cases where the order issued by the Department requires expenditures exceeding \$5,000. The proposed amendment would not require approval where expenditures are less than \$15,000. This change merely represents the approximate difference in cost of projects at the present time compared with costs of similar projects at the time when the original law was adopted. This section also transfers the requirement for approval to the proposed Iowa Water Control and Resources Council (if the enabling legislation establishes such a council). It is highly desirable from all standpoints to have an agency which reviews orders by the State Department of Health before they become effective or subject to court review, and it appears that the proposed Iowa Water Control and Resources Council would be a more logical reviewing agency for this purpose than the Executive Council.

INDUSTRIAL POLLUTION

Paragraphs one, two, three, four and five, which are proposed to be added to chapter one hundred thirty-five (135), Code 1946, are the most important portions of the proposed amendments. Much of the deterioration of the conditions of streams since 1941 has resulted from new industries, additions to existing industries, and additions to existing sewer

systems which have greatly increased the polluttional load. There are many instances where sewage treatment plants have been built just before the war which adequately took care of the existing load, but which became heavily overloaded almost overnight by industrial wastes resulting from new industries or from expansion of existing industries. While Iowa may not be considered a heavily industrialized State, nevertheless the food processing industry is a large and growing one in Iowa and many branches of this industry produce wastes which are notorious for their stream pollution qualities. For example, there are individual packing plants in the State of Iowa which produce wastes equivalent to the raw sewage from a city of 250,000 population insofar as the effect on the stream is concerned, but this population is not indicated in the population census of the city or town in which the industry is situated.

POLLUTION PREVENTION

Under the existing law, Chapter one hundred thirty-five (135), Code 1946, the Department may not act until after pollution has occurred. Under the proposed amendments, a permit would be required from the Department before any industry, municipality, or person could enlarge an establishment, sewerage system, etc., which would increase pollution of the stream. These provisions give the State Health Department the power to prevent added pollution rather than to confine its power to the abatement of existing pollution. The powers may seem somewhat drastic; however, with the provision for the review of an order by either the Executive Council or the proposed Iowa Water Control and Resources Council and subsequent review by the regularly constituted courts of the State, it would appear that an alleged offender would have ample protection against any arbitrary exercise of power by the State Department of Health.

Paragraph six of the proposed additions prohibits the discharge of polluting material, whether treated or untreated, directly into a state-owned natural or artificial lake. The purpose of this paragraph is two-fold.

First, it is possible to treat sewage so that any direct public health hazard or direct destruction of aquatic life would be avoided. However, under the best known methods of treatment, a well treated sewage plant effluent contains nutritive materials which promote the growth of objectionable blue-green algae and other plant life which destroy fish and other beneficial aquatic life, cause odors, and render a lake virtually worthless for recreational purposes. This has happened in some of our major lakes in Iowa in the past. This section would prevent municipalities from discharging even a well treated sewage plant effluent directly into the lakes.

The second purpose of this paragraph is to prohibit sewage from individual cottages and habitations to be discharged directly into a lake. Whereas a single installation of this type would probably do no damage to a lake, a large number of such individual installations would seriously pollute the lake water. It would be extremely difficult, if not impossible, to prove damage under the definition of this law in the case of an individual cottage, and obviously each individual case would have to be tried on its own merits without reference to other individual cases, thus making enforcement difficult. Obviously the net effect on the lake of a group of cottages crowded into a small area individually discharging sewage into the lake would be the same as if the sewage were collected from the same cottages and discharged at one point.

STREAM FLOW MAINTENANCE

In a few instances in the State there are localities where even with the best known methods of treatment of sewage, stream flows become so low, particularly during the winter with heavy ice coverage, that good stream conditions cannot be maintained. There are many other instances where a very high degree of treatment at a great cost must be installed to protect the stream during relatively short periods of low flows, whereas much less elaborate plants at much lower cost could be installed if the low flows could be augmented.

An excellent example of this point is the conservation pool in the proposed Red Rock Reservoir. During periods of low flow in the Des Moines River, it is the plan of the Army Engineers, in operating this pool, to discharge sufficient water from the conservation pool to maintain a certain adequate minimum flow at all times. At the present time, winter flows in the Des Moines river at Red Rock frequently drop substantially below this figure and flows as low as fifty cubic feet per second have been recorded at Ottumwa. The guarantee of a substantial minimum flow will result in a substantial savings to the City of Ottumwa in the construction, operation, and maintenance of a sewage treatment plant, as otherwise the plant would have to be designed to produce an effluent satisfactory for much lower dilutions.

Unfortunately the federal flood control dams that have been proposed to date are so far downstream as to limit the benefits of regulating low flows for stream sanitation purposes. If an adequate minimum flow could be guaranteed above Estherville, the same water would benefit Estherville, Fort Dodge, Des Moines and Ottumwa.

HEADWATER STORAGE

In any State water plan, the storage of water in headwater areas for the purpose of maintaining minimum flows in streams should be given careful consideration. This storage might be in connection with multiple purpose reservoirs or, if economically feasible, might be solely for maintenance of low flows. As industry increases in Iowa and as the cities grow, the problem of sufficient dilution water to take care of even well treated sewage will become increasingly a greater problem.

There are many other advantages resulting from the maintenance of minimum flows in streams other than the benefits to pollution control, which benefits will undoubtedly be pointed out in other committee reports.

Your committee therefore recommends that works for the maintenance of minimum flows in streams, either in connection with multiple purpose reservoirs or separately, be considered as a major item in the development of an over-all State water plan.

EMERGENCY FLOOD ASSISTANCE

The committee considered at length the question of state aid and assistance in cases of flood emergencies. Under the existing law in the provisions of section twenty-nine point twenty-six (29.26) of the Code, the Governor has the power to employ the military forces of the State, including the National Guard "for the defense or relief of the State, the enforcement of its laws, and the protection of life and property therein."

Under the provisions of Article six (6) of the Constitution of the State of Iowa, every able-bodied citizen between the ages of eighteen and forty-five years of age is a member of the State Militia, and the power conferred upon the Governor in Section twenty-nine point twenty-six (29.26) would probably permit him, in case of flood emergencies, to call upon not only the organized National Guard, but all citizens of military age for duty in case of an emergency.

In several cases the National Guard has been called out in connection with flood emergencies and has rendered efficient service, however, in the opinion of the committee, it would be well to bear in mind that flood emergencies may arise which cannot be entirely handled by existing provisions of law.

Obviously, the State cannot make itself liable for damage by floods to private property, and your committee does not contemplate the inauguration of any policy which would render the State so liable, neither does it believe that regular appropriations are necessary to deal with possible flood emergencies. It suggests, however, that the legislature should consider the authorization of emergency flood relief appropriations from funds set aside for the Interim Committee now established by law, and if deemed advisable, consider the possibility of flood emergency relief in its appropriation of funds for use of the Interim Committee.

CORRELATION REQUIRED

It is now becoming evident that there must be a correlation among our drainage, soil erosion and flood control programs. At the present time, the drainage districts of Iowa are under the general supervision of the county boards of supervisors, or of trustees having charge of maintenance and operation of a district. It is the opinion of your committee that there should be no interference with the present system of local control of drainage districts, but that legislation should be enacted which will permit the cooperation of drainage districts, soil conservation districts and flood control agencies in activities which may be required in the future. Under existing laws the State Soil Conservation Committee is empowered to establish soil conservation districts and such districts are given the power under the law to inaugurate erosion control projects, flood control projects and in general carry out a very far reaching program, having as its primary object the conservation of our soils. The State Soil Conservation Committee and its various conservation districts are relatively new and the work already done, although it is very considerable, marks only the beginning of a program which must inevitably reach tremendous proportions. Productive land is the just inheritance of future generations.

Existing laws, however, do not give to the State Soil Conservation Committee or to the conservation districts the right to provide for the financing of the activities of the various districts, except on a voluntary basis. It appears that it will be necessary in the future, if satisfactory progress is to be made, to provide adequate methods of financing certain conservation activities.

It should be pointed out that erosion control is basically a problem of providing more efficient methods of conservation of water supplies, and the prevention of too rapid runoff during and after rainfall. Every substantial increase in the efficiency of erosion control means a decrease in the drainage and flood problems of the State.

DIVIDED CONTROLS

We also find under the present law that the State Conservation Commission is given very extensive powers relating to the control of the waters of the state under the provisions of section one hundred eight point seven (108.7). The Commission may engage in important activities in connection with regulation of stream flow over private lands and the Conservation Commission is vested generally with a wide measure of authority over the public waters of the State. The State is also entering upon an extensive program for the creation of artificial lakes. The Commission also has control of State parks, including reforestation activities. These functions and others not mentioned bear directly upon the questions of soil conservation and flood control. Under present conditions the State Soil Conservation Committee and the State Conservation Commission have cooperated without difficulty where there has arisen any conflict between the powers of the two bodies, however, in the future there should be provisions for the correlation of their activities.

In addition to the fact that under present conditions there must exist some confusion among the powers of drainage districts, soil conservation districts and the State Conservation Commission. The Executive Council has, under existing laws, very extensive powers relating to the same subjects. It is necessary to obtain a permit from the State Executive Council before any commercial dam or spillway may be constructed in the State. Under an enactment of the last General Assembly, it is necessary to obtain a permit from the State Executive Council before any power generation project could be operated on any of the streams of the State. The Executive Council also is vested with the power to sell public lands. It is not at present entirely clear as to just what are the distinct powers of the State Executive Council and the State Conservation Commission. There is necessity for clarification of the law or an elimination of present conflicting authorities. The Executive Council is not constituted as a body to determine a statewide program of flood control and conservation, nor was it contemplated in its inception that it should so act. The powers and duties imposed upon it should be transferred to an agency of the nature contemplated here which is qualified and trained to handle such problems.

The committee cannot escape the conclusion that legislation is desirable and necessary which will permit the highest degree of cooperation among all of the agencies which at the present time deal with the water resources of the State. It is also evident that any program relating to the control of our water resources must take into consideration the effect of such a program upon our wild life, and that in any of the activities of the State Conservation Commission have a direct bearing upon such matters as soil erosion, drainage and flood control.

STATE AGENCY REQUIRED

It is evident from a consideration of the facts that there must be a correlation in Iowa of the powers of the various State and local agencies whose activities relate in one way or another to the whole problem of water resources with its related subjects of drainage, flood control and soil conservation. It must also be properly represented in its relations with the federal government in regard to these same matters. This end may be achieved through the establishment of a State authority of some character whose basic object would be to correlate present activities,

eliminate conflicts of authority and provide for intelligent representation by the State in its dealings with the federal government and also to make effective the general policies of the State in the entire field after such policies have been determined by the General Assembly. It does not seem that it is necessary or desirable to transfer to such an agency the administrative powers and duties of existing agencies. It is, however, highly desirable that conflicting powers of existing agencies should be clarified. Accordingly, your committee is presenting a bill providing for the creation of an Iowa Water Control and Resources Council which would function as a correlating agency in these matters.

FURTHER STUDIES NEEDED

Your committee respectfully calls attention to the fact that it was not created until the Special Session in December of 1947, and was not organized until March 3, 1948, and that by the requirements of the resolution, it was necessary to compile its report within a very short period of time, a period so short, in fact, that opportunity was not available for detailed and complete investigations of all of the problems submitted to it. It must also be kept in mind that Iowa has been extremely backward in undertaking comprehensive studies of its water resources and of flood control. The program of legislation as submitted embodies very extensive advances in the direction of a state-wide policy of water resources control. It is obvious that further investigation and study is required in many of the phases of this great field, and that such studies should be undertaken by a state-wide agency of a permanent nature which will have facilities sufficient for these purposes. The committee in presenting its report seeks to lay before the General Assembly some of the essentials which must be considered. In many cases members of the committee have differed in their ideas of specific solutions, but they are unanimously agreed that correlation of all Iowa activities in this field is required. The committee finds also that the various State departments which are concerned one way or another with this problem include in their personnel a number of men who are expert and skilled in this field and whose services would be available in connection with the activities of the proposed Iowa Water Control and Resources Council.

COUNCIL PERSONNEL

The proposed Iowa Water Control and Resources Council bill is so drafted to permit the designation of such men as members of the council to be created. In the deliberations of the committee it developed that a substantial minority of its members felt that the various State agencies involved in the general problem should either designate representatives for appointment as members of the council or should have ex-officio members thereon. Accordingly, in its report, the committee presents an alternative proposal to the measure recommended by the majority of the committee which provides for an expansion of the membership of the council to include representation from the State agencies involved.

It must be kept in mind that these experts have specific duties of their own in connection with their own departments and cannot be expected to be available at all times in connection with flood control matters. In this connection the committee desires to express its appre-

ciation for the cooperation it has had from these State agencies, which have, without exception, cheerfully and willingly assisted your committee.

There also existed a difference of opinion among members of the committee as to the qualifications which should be required of the Director to be employed by the council. It was suggested the requirement should be made that the Director be an engineer with certain specific qualifications to be enumerated in the law. This suggestion is respectfully referred to the General Assembly as an alternative to the provisions of the bill as presented in regard to this matter.

PART II

RECOMMENDED LEGISLATION

JOHN WATKINS CONTROL AND RESEARCH
CORPORATION

Part II

RECOMMENDED LEGISLATION

Your committee, in accordance with the instructions given in the resolution providing for the creation of the committee, submits herewith tentative drafts of bills, the enactment of which is desirable to carry out and effect the recommendations of the committee. These bills have been drafted with the assistance of the office of the Attorney General and the counsel for the committee, Mr. Harold Newcomb, technical advice as to the provisions of the various bills has been provided by recognized experts in each field including Dr. H. Garland Hershey, State Geologist, Mr. A. H. Wieters, former Chief Sanitary Engineer, of the State Board of Health, Mr. G. L. Ziemer, former Director of Conservation of the State Conservation Commission, Mr. L. C. Crawford, District Engineer, United States Geological Survey, Professor W. J. Schlick, Professor of Research, Civil Engineering, Iowa State College, Mr. Edwin R. Hicklin, Chairman of the Iowa Flood Control Association, Mr. Louis H. Cook, Director of Research for the Iowa State Tax Commission, and many others who have taken an interest in the work of the committee.

It is not to be considered that these bills are entirely adequate to accomplish everything they seek. They will, however, afford the foundation upon which the legislature may build. In some cases they do not represent the individual views of some members of the committee, and the right is reserved by each and every member of the committee to suggest amendments to the bills as presented. It must be remembered that the field of legislation covered by the committee is a wide one and one which the State of Iowa has to a considerable degree neglected. In presenting these bills in their tentative form the committee has in mind that members of the General Assembly will be able to utilize them in a more intelligent consideration of the problems placed before them.

This section of the report of the committee presents a general explanation of each of the bills which have been drawn and the bills themselves are appended to this portion of the report.

IOWA WATER CONTROL AND RESOURCES COUNCIL

(Bill No. 1)

This bill constitutes the major recommendation of the committee. It establishes an Iowa water control and resources council to be made up of seven members selected at large and without regard to political affiliation, by the Governor of the State, subject to the approval of the Senate. Its members may be, if desired by the Governor, present employees of the State of Iowa who are considered to be especially skilled in the field of water resources, flood control and allied subjects.

As already mentioned, there was a difference of opinion on the part of the committee as to whether or not the members of the council should not include representation from various State agencies involved in the general subject. The alternative proposal provides for a council composed of six members to be appointed by the Governor with the advice and consent of the Senate, together with one ex-officio member from

each of six State agencies, which have legal responsibility relating to flood control, soil conservation and allied functions of State government. These six agencies include the State Conservation Commission, State Department of Agriculture, State Soil Conservation Committee, Sanitary Engineering Division of the State Department of Health, Iowa Geological Survey and the State Highway Commission. Adoption of this alternative would provide for a committee of twelve members, six of whom would be designated by the State agency above mentioned and who would presumably be selected from present personnel of these agencies. A substitute for section four of the bill is therefore submitted and is appended to the main bill.

STATE WIDE PLANNING

The council as appointed is given the duty and authority to establish and enforce a comprehensive state-wide plan for the control of water and protection of the surface and underground water resources of the State.

This council is given the right of eminent domain and is directed to establish a comprehensive state-wide program of flood control and a state-wide program for conservation, development and use of water resources of the State.

The council is empowered to cooperate with the United States Government, with other states, with cities, towns, counties and drainage districts of this State in activities relating to flood control and water resources.

The council will represent the State in dealings with the federal government relating to flood control and conservation projects within the State of Iowa.

The council is given complete authority over all floodways of the State and authority to regulate all operations affecting free flowage of water in the streams of the State.

The present power of the Executive Council as to the licensing of commercial dams is transferred to the new flood control council.

DOMINANT AUTHORITY

Under the terms of the bill, the council is made the dominant authority over all other agencies, State and local, whose activities relate in any way to conservation of water resources and flood control.

The bill does not seek in its provisions, to grant arbitrary power to the new council over other State or local agencies, particularly in regard to the collection and interpretation of basic data, but to correlate existing activities and eliminate confusion which now exists due to overlapping authority of existing agencies.

An appropriation of \$100,000.00 annually is recommended for the expenses and activities of the Iowa Water Control and Resources Council.

CONSERVANCY AND FLOOD CONTROL DISTRICTS

(Bill No. 2)

This bill, although it is neither lengthy nor complicated, is far reaching in its terms and implications. Your committee in its deliberations has found it impossible to distinguish between the flood control,

drainage and erosion control in seeking to suggest a general policy for the State of Iowa in relation to its water resources and the control thereof. The prevention of soil erosion also is a vital factor in the prevention of floods, and is a consideration in the life of many flood control works. Drainage is essentially allied to the subject of flood control. With this thought in mind the committee presents a bill which would authorize the establishment of special assessment districts which would permit a combination of erosion control with drainage and flood control. Under the provisions of the bill as presented, it would be possible to establish a special benefit district for erosion control alone, or for soil erosion control and drainage, or a district which might include activities relating to erosion control, drainage and flood control.

In brief, the bill provides for the application of existing machinery for the establishment, construction, financing and maintenance of drainage districts to a wider field than is now permissible. Districts thus established would be entirely under the control of existing local agencies of government, subject only to their correlation with the state-wide control of water policy. The bill as drawn would permit the creation of special benefit districts for such purposes as control of flash floods, the prevention of erosion damage and the storage of surface waters.

WATER POLLUTION

(Bill No. 3)

The bill as presented represents the recommendations of the State Department of Health affecting the pollution of the waters of the State. It also represents the position of the State Conservation Commission on this subject. It strengthens the existing law by clarifying the authority of the State Department of Health and puts teeth in the existing law as to the enforcement of provisions relating to water pollution. Its provisions are discussed in detail in the section of Part I devoted to Water Pollution.

SOIL CONSERVATION

(Bill No. 4)

This bill increases the number of members of the State Soil Conservation Committee from five to seven members, by increasing the number of appointive members from three to five, and by increasing the number of days for which compensation may be allowed committee members from one hundred fifty days per year to two hundred fifty days per year. It has been found that the present personnel of the Board is inadequate to properly perform the growing duties of the Soil Conservation Committee and that the number of days they may now serve with compensation is also inadequate. The committee recognizes the fact that more proposed legislation in this field will be presented by the Soil Conservation Committee itself.

REORGANIZATION OF SCHOOL DISTRICTS

(Bill No. 5)

Bill number five is necessitated by the fact that federal flood control projects contemplated within the State, such as the Iowa river dam, north

of Iowa City, the proposed dam or dams on the Des Moines river, the proposed Cedar river dam near Rochester and the proposed Chariton river dam near Centerville would result in the disorganization or elimination of a large number of school districts.

Under the provisions of chapter two hundred eighty-four (284), whenever agricultural lands are acquired by the federal government, the State government or any municipality of the State, and such acquirement would necessarily result in a loss of tax revenue to the school districts involved, the school tax which otherwise would be levied on such land is reimbursed to the school district as such lands are acquired by the federal government, by the State. This bill will affect within the current biennium probably only Iowa and Johnson counties, but might also affect other projects not yet in actual process of construction. The Iowa river dam will result in a disruption of probably seventeen school districts in Johnson county and of one or two in Iowa county. The bill provides that in any case of this kind the county board of education shall have power to reorganize the affected districts and to determine which of the new districts is entitled to reimbursement for loss of taxes due to the construction of the flood control project. The bill is offered as an amendment to provisions which were made in connection with the acquiring of lands for the government ordnance plant at Burlington. It is deemed necessary by the committee to make provisions in advance to care for the situations which may develop in the future. The bill, as presented, would insure school districts affected by federal flood projects against any loss of tax revenue during the reorganization period. It is estimated that in Johnson and Iowa counties the bill would result in reimbursement from the State treasury to the school districts involved in amounts of approximately \$12,500.00 annually. Under the existing law the total reimbursements of this character made by the State now aggregate approximately \$70,000.00 annually. This bill should be considered in connection with a later bill to be discussed covering the subject of federal compensation to taxing districts.

FINANCING OF SEWAGE TREATMENT PLANTS

(Bill No. 6)

Bill number six is intended to provide for future financing of sewage treatment plants by the cities or sanitary districts of the State. Under the existing law limitations upon bonded indebtedness which may be incurred by a city are such that it is difficult for the cities of the State, especially those of smaller population to construct and maintain sewage treatment plants. Under the provisions of chapter three hundred ninety-four (394), Code 1946, cities may establish sewage treatment plants to be financed from rental charges. This bill provides that in addition to the issuance of bonds based upon rental charges, a special levy, not to exceed two mills a year, may be provided for the retirement of further bonds which might be required for an adequate project. The bill also affords another method whereby cities and towns may construct and finance sewage disposal plants by organizing as sanitary districts under the provisions of chapter three hundred fifty-eight (358), Code 1946. The bill makes applicable to sanitary districts which may be organized under chapter three hundred fifty-eight (358) of the Code, the provisions of chapter three hundred ninety-four (394) relating to self-liquidating projects, should any city desire to set up a sanitary district as provided

by this chapter for the purpose of sewage disposal or even the construction and financing of the entire sewer system of the city. It could do so under the provisions of this bill and the indebtedness incurred by such sanitary district would not be considered in the bond debt limitation of the territory comprising the district which might include both a city and adjacent territory. We believe that this bill widely expands the ability of cities and towns of the State to solve their sewage disposal problems. This bill is closely correlated with the bill presented in regard to stream pollution and would render the enforcement of the laws relating to stream pollution much simpler by affording more extensive power of financing sewage treatment.

FLOOD PROTECTION BY CITIES AND TOWNS

(Bill No. 7)

Bill number seven modifies the provisions of the present chapter three hundred ninety-five (395) of the Code which provides for the establishment of a flood control system by cities and towns. Experience in the actual operation of this law has revealed that no adequate provision is made for the maintenance of flood control systems within cities and towns after the same have been constructed. The bill as drafted would permit a special annual assessment against property benefited by the district when such assessment is required for the maintenance of such district. The bill also clarifies the existing law relating to flood control systems in cities and towns and remedies defects which have been revealed by actual operation of the existing law. The bill also contains provisions to permit cities and towns to contract with railroad companies for the use of railroad rights of way and embankments as part of a flood control enterprise for the city. While a number of such contracts have been entered into in the past, their legality has been questioned and the provision as inserted is intended to remove doubts as to the rights of such cities to enter into such agreements with railroad companies.

DRAINAGE BILL AMENDING CHAPTER 455

(Bill No. 8)

This is the general drainage and levee law. The amendments are to eliminate duplications and to clarify the law as much as possible in the following manner:

(1) Reducing the number of landowners who may petition for establishment of a drainage or levee district or subdistrict; (2) Simplify the legal description of lands to be included; (3) Basing the improvement on public benefit, health, convenience and welfare; (4) Clearly stating the starting point, route, terminus and lateral branches; (5) Making it unnecessary to name the actual occupant of the land in the proposed district; (6) Removing remonstrators from liability for costs; (7) By changing percentages; (8) By removing duplications and certain conflicting sections on repairs, improvements and assessments and setting up a workable procedure; (9) By defining a method for creating and maintaining a reserve fund for repairs and for reclassification of lands for equitable apportionment of costs; (10) Approval of bonds by action of a declaratory judgment in the district court and defining the procedure; (11) Permit additional assessments to pay

defaulted bonds; (12) Requiring continuing supervision of districts to assure the capacity and service of the drain and require yearly inspections and removal of silt, weeds and vegetable growth. Also to provide for a report of recommended improvements by the engineer, such improvements to be made without notice if the cost is not over twenty-five per cent of the cost of the original district, and to pay for these improvements from funds of the levee or drainage district if sufficient. If not, by an assessment sufficient to leave a sinking fund for maintenance and repairs, such assessment to be up to twenty-five per cent of the original cost; (13) If the cost exceeds twenty-five per cent the board may order a reclassification of the district; (14) Permit mutual agreements between landowners for construction of drains, ditches, etc.; the agreement to include descriptions of land, the improvement, assessment of damages and other provisions the board deems necessary; (15) Permit the board of supervisors to obtain a right of way in adjoining counties to extend a ditch or establish a settling basin by purchase or condemnation; (16) Pay land appraisers more than \$5.00 per day.

DRAINAGE BILL AMENDING CHAPTER 462

(Bill No. 9)

This bill improves the method of electing trustees and permits the electors to designate a choice of trustee from each district. It also more clearly defines the authority of such trustees and adds power to acquire land for a ditch or settling basin, and to annex land to a district where necessary.

Certain unnecessary elections for reclassification of lands and readjustment of assessments have been eliminated.

The compensation of trustees was raised to \$7.00 per day plus expenses.

DRAINAGE BILL AMENDING CHAPTER 465

(Bill No. 10)

This has to do with individual drainage rights and mutual drains between two or more landowners when a drainage district is not established. The law is broadened and provides for recording of agreements, and for combining of these mutual drains into a drainage district, as well as a method for handling maintenance expenses.

FEDERAL PAYMENTS TO TAX DISTRICTS

(Bill No. 11)

This bill is presented for the purpose of establishing a policy in regard to the apportionment of payments to be made by the federal government under existing federal law to the taxing districts affected by the construction of major flood control projects, such as the Iowa river dam near Iowa City. Under the present federal laws relating to flood control projects where the government acquires land which is to be included in storage pools to be created as part of the project, it is proposed that these lands shall be leased for use by farmers or other persons, if such lands are not subject to permanent inundation. Three-fourths of

the proceeds of such leases, or any other revenues derived by the federal government as a result of the operation of a flood control project are under federal law to be paid to the local taxing district affected as reimbursement for loss of other tax revenues to such tax district. Under the federal statute such funds may be used only for school and highway purposes.

In another bill presented by the committee, provision has been made for temporary reimbursement to school districts of tax losses incurred through federal control projects.

LOCAL ALLOCATIONS

The bill here discussed provides for an allocation of funds which may be received by the federal government in any county to the school districts and to the county government on a basis of thirty per cent of such amounts for use on the secondary roads affected and seventy per cent to the school district. Inasmuch as considerable problems will arise in connection with the allocation and expenditure of these funds, the bill has been drawn to give authority to the boards of supervisors for allocation of highway funds which may be derived from this source and to the county boards of education in regard to school funds to be allocated. It is probable that this bill will not be applicable in any case in the State of Iowa during the current biennium, with the possible exception of taxing districts within the proposed Iowa river dam area. It is estimated that federal reimbursements in this area will aggregate about \$58,000.00 annually. Should this be the case, revenues derived from these sources will be much greater than current tax revenues which would be lost through construction of the dam. This bill, in combination with bill number five safe-guards and provides for the distribution of revenues of counties and school districts as affected by major federal flood control projects. Should construction be authorized for the proposed Des Moines river dam or dams, these two bills would also serve to provide for emergencies of taxing districts affected until such time as other legislation is enacted. It should be kept in mind that in case of the creation of an Iowa Water Control and Resources Council, that council would be able and qualified to represent such taxing districts in their relations with the federal government and to make further recommendations as to needed legislation which may arise.

PART III BILLS AS SUBMITTED

Bill No. 1

WATER CONTROL AND RESOURCE COUNCIL

A BILL FOR

AN ACT relating to flood control and water resources, creating the Iowa Water Control and Resources Council, providing for the membership and personnel of said council, prescribing the powers, duties and functions of the council and making an appropriation therefor; amending sections four hundred sixty-nine point one (469.1), four hundred sixty nine point two (469.2), four hundred sixty-nine point three (469.3), four hundred sixty-nine point nine (469.9), four hundred sixty-nine point ten (469.10), four hundred sixty-nine point fifteen (469.15), four hundred sixty-nine point twenty-six (469.26), one hundred eight point seven (108.7), one hundred sixty point seven (160.7), one hundred nine point fifteen (109.15), one hundred eleven point four (111.4), one hundred eleven point eighteen (111.18), one hundred twelve point three (112.3), one hundred twelve point seven (112.7), Code 1946, and by repealing sections four hundred sixty-nine point twenty-eight (469.28), and four hundred sixty-nine point twenty-nine (469.29) enacting a substitute for said section four hundred sixty-nine point twenty-nine (469.29), Code 1946, all relating to flood control and water resources, mill dams and races and the powers, duties and functions of the council.

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

Section 1. DEFINITIONS. As used in this act, council means "Iowa Water Control and Resources Council";

"Flood plains" means the area adjoining the river or stream, which has been or may be hereafter covered by flood water;

"Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream;

"Council floodway" means a floodway designated and established by order of the council, fixing its length and landside limits;

"Person" means any natural person, firm, partnership, association, corporation, State of Iowa, any agency of the state, municipal corporation, political subdivision of the State of Iowa, legal entity, drainage district, levee district, public body, or other district or units maintained or to be constructed by assessments, or the petitioners of a proceeding, pending in any court of the state affecting flood control;

"Due notice" means a notice of not less than thirty days by one publication in an official newspaper published in each county in which the property affected is located.

Sec. 2. DECLARATION OF POLICY. It is hereby recognized that the protection of life and property from floods, the prevention of damage to lands therefrom and the conservation of the water resources of the state by the considered and proper use thereof, is of paramount importance to the welfare and prosperity of the people of the state, and, to realize these objectives it is hereby declared to be the policy of the state to correlate and vest the powers of the state in a single agency with

the duty and authority to establish and enforce an appropriate comprehensive state-wide plan for the control of water and the protection of the surface and underground water resources of the state. In the formulation of this plan the resultant effect thereof on other resources of the state shall be recognized and included in such plan.

Sec. 3. CREATION. There is hereby created and established an Iowa water control and resources council. The council is established as an agency of the state government to promote the policies set forth in this act and shall represent the State of Iowa in all matters within the scope of this act.

Sec. 4. APPOINTMENT. The council shall consist of seven members who shall be electors of the State of Iowa and shall be selected from the State of Iowa at large solely with regard to their qualifications and fitness to discharge the duties of office and without regard to their political affiliation. The members of the council shall be appointed by the Governor with the approval of two-thirds of the members of the Senate in executive session and shall be appointed for overlapping terms of six years. The terms of two members of the council shall expire on the first day of July, 1951; the terms of two members shall expire on July 1, 1953; and the terms of three members shall expire on July 1, 1955. At the expiration of such terms all appointments shall be for terms of six years.

Sec. 5. VACANCIES. Vacancies occurring while the General Assembly is in session shall be filled for the unexpired portion of the term as full-term appointments are filled. Vacancies occurring while the General Assembly is not in session shall be filled by the Governor, but such appointments shall terminate at the end of thirty days after the convening of the next General Assembly.

Sec. 6. REMOVAL. The Governor, may, with the approval of the Senate, during a session of the General Assembly, remove any member of the council for malfeasance in office or for any cause that renders him ineligible for membership or incapable or unfit to discharge the duties of his office and his removal when so made shall be final.

Sec. 7. COMPENSATION AND EXPENSES. Each member of the council not otherwise in the full-time employment of any public body, shall receive the sum of Twenty-five Dollars (\$25.00) for each day actually and necessarily employed in the discharge of official duties provided such compensation shall not exceed One Thousand Dollars (\$1000.00) for any fiscal year. In addition to the compensation hereinbefore described, each member of the council shall be entitled to receive the amount of his travelling and other necessary expenses actually incurred while engaged in the performance of any official duties, when so authorized by the council. No member of the council shall have any direct financial interest in, or profit by any of the operations of the council.

Sec. 8. ORGANIZATION, MEETINGS AND RULES. The council shall organize by the election of a chairman and shall meet at the seat of government on the first Monday in the months of January, April, July and October, and at such other times and places as it may deem necessary. The chairman shall be elected annually at the meeting of the council in July. Meetings may be called by the chairman and shall be called by the chairman on the request of four members of the council. The majority of the council shall constitute a quorum and the concurrence of a majority of the council in any matter within their duties shall be required for its determination. The council shall adopt such rules

and regulations as it may deem necessary to transact its business and for the administration and exercise of its powers and duties.

Sec. 9. DIRECTOR. The council shall choose a director who shall not be a member of the council and shall fix the compensation of such director, which shall be payable out of the funds appropriated to the council. The director shall be qualified by training and experience. The term of office of the director shall be during the pleasure of the council. The director shall serve as the executive officer of the council and shall have charge of the work of the council subject to its orders and directions.

Sec. 10. EMPLOYEES. The director, with the approval of the council is empowered to employ, discharge, and fix the salaries of such technical, clerical, stenographic and such other employees and assistants as may be required. All of such employees shall be paid from funds appropriated to the council.

Sec. 11. BONDS. The council shall provide for the execution of surety bonds for all members and employees who shall be entrusted with funds and property and the premiums on all such surety bonds shall be paid from the funds appropriated to the council.

Sec. 12. WARRANTS. The comptroller is directed to draw warrants on the treasurer of the state for all disbursements authorized by this act upon duly itemized and verified vouchers bearing the approval of the council.

Sec. 13. REPORTS, ACCOUNTING AND RECOMMENDATIONS. The council shall make a report to the Governor of its activities for the preceding biennial period, including therein an itemized statement of all receipts and disbursements and such other information pertaining to its work as may be of value.

The council in its biennial report shall make such recommendations for amendments to this act, or for other legislation as it deems appropriate.

The council shall report to the Governor at any time required, the results accomplished since its last report, pending plans and the status of any work or plans in progress.

Sec. 14. DEPARTMENTAL COOPERATION. The council may request and receive from any department, division, board, bureau, commission, public body, or agency of the state, or of any political subdivision thereof, or from any organization, incorporated or unincorporated, which has for its object the control or use of any of the water resources of the state, such assistance and data as will enable the council to properly carry out its activities and effectuate its purposes hereunder. The council shall reimburse such agencies for special expense resulting from expenditures not normally a part of the operating expenses of any such agency.

The council, its agents and other employees may enter upon any lands or waters in the state for the purpose of making any investigation, examination, or survey contemplated by this act.

Sec. 15. EMINENT DOMAIN. The council shall have the right to exercise the power of eminent domain. All the provisions of law relating to condemnation of lands for public state purposes shall apply to the provisions hereof in and so far as applicable. The executive council shall institute and maintain such proceedings.

The council may accept gifts, contributions, donations and grants, and use the same for any purpose within the scope of this act.

Sec. 16. TITLE TO LANDS AND OTHER PROPERTY. The title

to all lands, easements, or other interest therein, or other property or rights acquired by the council shall be approved by the Attorney General and taken in the name of the State of Iowa.

Sec. 17. FUNCTIONS AND DUTIES. The council shall establish a comprehensive state-wide program of flood control; and a comprehensive state-wide program for the conservation, development and use of the water resources of the state.

Sec. 18. JURISDICTION. The council shall have jurisdiction over the public and private waters in the state and the lands adjacent thereto necessary for the purposes of carrying out the provisions of this act. The council shall make a comprehensive study and investigation of all pertinent conditions of the areas in the state affected by floods; determine the best method and manner of establishing flood control; adopt and establish a comprehensive plan for flood control for all the areas of the state subject to floods; and determine the best and most practical method and manner of establishing and constructing the necessary flood control works. The council may construct flood control works or any part thereof. The council is authorized to perform such duties in cooperation with other states or any agency thereof or with the United States or any agency of the United States, or with any person as defined in this act.

The council shall procure and obtain flood control works from and through or by cooperation with the United States, or any agency of the United States, by cooperating with and action of the cities, towns and other subdivisions of the state, under the laws of the state relating to flood control and water use, and by cooperation with and action of landowners in areas affected thereby.

The council shall make surveys and investigations of the water resources of the state and of the problems of agriculture, industry, conservation, health, stream pollution and allied matters as they relate to flood control and water resources, and shall make and formulate plans and recommendations for the further development, protection and preservation of the water resources of the state.

Sec. 20. UNLAWFUL ACTS—POWERS OF COUNCIL. Notwithstanding any provision of law to the contrary, it shall be unlawful to erect, use or maintain any structure in or on any floodway as a permanent abode or place of residence, or to erect, make, use or maintain any structure, dam, obstruction, deposit, or excavation in or on any floodway, which will adversely affect the efficiency of or unduly restrict the capacity of the floodway, and the same are declared to be and to constitute public nuisances, provided, however, that this provision shall not apply to dams constructed and operated under the authority of chapter four hundred sixty-nine (469), Code 1946, as amended.

The council shall have the power to commence, maintain and prosecute any appropriate action to enjoin or abate a nuisance, including any of the foregoing nuisances and any other nuisance which adversely affects flood control.

In the event any person desires to erect, make, use or maintain, or to suffer or permit, a structure, dam, obstruction, deposit or excavation, other than a dam, constructed and operated under the authority of chapter four hundred sixty-nine (469), Code 1946, as amended, to be erected, made, used or maintained in or on any floodway, and it is uncertain as to whether it will adversely affect the efficiency of or unduly restrict the capacity of the floodway, such person may file a verified written application with the council, setting forth the material facts, and

the council on hearing, shall enter an order, determining the fact and permitting or prohibiting the same.

The council shall have the power to remove or eliminate any structure, dam, obstruction, deposit or excavation in any floodway which adversely affects the efficiency of or unduly restricts the capacity of the floodway, by an action in condemnation, and in assessing the damages in such proceeding, the appraisers and the court shall take into consideration whether the structure, dam, obstruction, deposit or excavation is lawfully in or on the floodway.

Sec. 21. ADDITIONAL POWERS—LICENSING OF DAMS. After the effective date of this act the term "council," as used in chapter four hundred sixty-nine (469), Code 1946, shall be construed to refer to the "Iowa water control and resources council" unless specifically otherwise provided.

Sec. 22. ADDITIONAL POWERS. Section four hundred sixty-nine point one (469.1), Code 1946, is amended by striking from lines eight (8) and nine (9) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 23. ADDITIONAL POWERS. Subsection six (6) of section four hundred sixty-nine point two (469.2), Code 1946, is amended by striking from line two (2) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 24. ADDITIONAL POWERS. Section four hundred sixty-nine point three (469.3), Code 1946, is amended by striking from lines four (4) and five (5) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 25. ADDITIONAL POWERS. Section four hundred sixty-nine point nine (469.9), Code 1946, is amended by striking from line seven (7) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council"; Section four hundred sixty-nine point nine (469.9), Code 1946, is further amended by striking from line ten (10) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 26. ADDITIONAL POWERS. Section four hundred sixty-nine point ten (469.10), Code 1946, is amended by striking from line two (2) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council;" section four hundred sixty-nine point ten (469.10), Code 1946, is further amended by inserting after the word "dams" in line eleven (11) thereof the words "of any character or for any purpose;" section four hundred sixty-nine point ten (469.10), Code 1946, is further amended by striking from lines twelve (12) and thirteen (13) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 27. ADDITIONAL POWERS. Section four hundred sixty-nine point twenty-six (469.26), Code 1946, is amended by striking from line six (6) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 28. RECEIVERSHIP. Section four hundred sixty-nine point fifteen (469.15), Code 1946, is amended by inserting before the word "council" in line eleven (11), the words "state executive."

Sec. 29. MILL DAMS AND RACES. Section four hundred sixty-nine point twenty-eight (469.28), Code 1946, is repealed.

Sec. 30. MILL DAMS AND RACES. Section four hundred sixty-nine

point twenty-nine (469.29), Code 1946, is repealed and the following is enacted in lieu thereof: "All licenses and permits issued by the state executive council prior to the effective date of this act are hereby declared to be in full force and effect and all of the powers of administration relating to licenses or permits heretofore issued are hereby vested in the Iowa water control and resources council."

Sec. 31. COUNCIL FLOODWAY. The council may by order establish a floodway as a council floodway and alter, change, or revoke and terminate the same. In the order establishing the council floodway, the council shall fix the length thereof at any practical distance, and fix the width or the landside limits thereof, so as to include portions of the flood plains adjoining the channel, which with the channel, are reasonably required to efficiently carry and discharge the flood waters or flood flow of such river or stream. An order establishing a council floodway shall not be in force until due notice thereof has been given. All of the area within a council floodway shall be the floodway for all purposes of this act.

Sec. 32. FLOOD CONTROL WORKS CO-ORDINATED. All works of any nature for flood control in the state, which are hereafter established and constructed, shall be co-ordinated in design, construction and operation, according to sound and accepted engineering practice so as to effect the best flood control obtainable throughout the state. No person shall construct or install any works of any nature for flood control unless and until the proposed works and the plans and specifications therefor are approved by the council. The interested persons shall file a verified written application with the council therefor, and the council on hearing shall consider all the pertinent facts relating to the proposed works which will affect flood control in the state and shall determine whether the proposed works in the plans and specifications will be in aid of and acceptable as part, or will adversely affect and interfere with flood control in the state, and shall enter an order approving or disapproving the application, plans and specifications. In the event of disapproval, the order shall set forth the objectionable features so that the proposed works and the plans and specifications therefor may be corrected or adjusted to obtain the approval of the council.

The provisions of this section shall apply to all drainage districts, soil conservation districts, projects undertaken by the state conservation commission, all public agencies including counties, cities, towns and all political subdivisions of the State of Iowa and to all privately undertaken projects relating to or affecting flood control.

Sec. 33. APPEAL. Any person aggrieved by any of the acts or orders of the council shall have the right to appeal therefrom to the district court at the seat of government or the district court of any county in which the property affected is located, by filing with the council a notice of such appeal within thirty days from the date of such action or order. The notice of appeal shall state the grounds of appeal. When an appeal is taken, the council shall forthwith cause to be made a certified transcript of all proceedings had and all orders made and shall file the same with the clerk of the district court where the appeal is pending.

Upon such appeal being perfected, it shall be brought on for trial at any time by either party upon ten days notice to the other and shall be tried by the court de novo and determined upon the record. At such trial the findings by the council shall be prima facie evidence of the matters therein contained. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed. If the

court finds that the order appealed from is unjust, unreasonable or not supported by the evidence it shall make such order to take the place of the order appealed from as is justified by the record before it.

Any person aggrieved may appeal to the Supreme Court from the judgment of the district court made therein as in a civil action.

The pendency of any such appeal shall not stay the operation of the order of the council but the district court or the supreme court in their discretion may suspend the operation of the council order pending determination of the appeal, provided, the appellant shall file an appropriate bond approved by the court, conditioned that he shall answer for all damages caused by the delay in the enforcement of the council's order.

Sec. 34. EXECUTIVE PREROGATIVES. The council shall have no executive prerogatives outside of its own duties and functions as set out by this act and shall not disturb the work, functions or authority of any of the several state or local agencies and institutions, provided the powers conferred upon the council by this act shall not be exercised by any other of the agencies or institutions.

Sec. 35. APPROVAL REQUIRED. Section one hundred eight point seven (108.7), Code 1946, is amended by adding thereto the following: "Any action taken by the commission under the provisions of this section shall be subject to the approval of the Iowa water control and resources council."

Sec. 36. APPROVAL REQUIRED. Section one hundred sixty point seven (160.7), Code 1946, is amended by adding to subsection three (3) of said section the following: "The approval of the Iowa water control and resources council shall be required on any project which relates to or in any manner affects flood control."; section one hundred sixty point seven (160.7), Code 1946, is further amended by adding to sub-section seven (7) of said section the following: "The approval of the Iowa water control and resources council shall be required on any project which relates to or in any manner affects flood control."

Sec. 37. INJURY TO DAMS. Section one hundred nine point fifteen (109.15), Code 1946, is amended by striking from lines five (5) and six (6) thereof the words "state conservation director" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 38. APPROVAL REQUIRED. Section one hundred eleven point four (111.4), Code 1946, is amended by inserting after the period in line eight (8) thereof the following: "No such permit shall be issued without approval of the Iowa water control and resources council."

Sec. 39. APPROVAL REQUIRED. Section one hundred eleven point eighteen (111.18), Code 1946, is amended by inserting after the period in line five (5) thereof the following: "The exercise of this jurisdiction shall be subject to the approval of the Iowa water control and resources council in matters relating to or in any manner affecting flood control."

Sec. 40. APPROVAL REQUIRED. Section one hundred twelve point three (112.3), Code 1946, is amended by striking from line four (4) thereof the words "executive council" and by inserting in lieu thereof the words "Iowa water control and resources council."

Sec. 41. DAMS AND SPILLWAYS. Section one hundred twelve point seven (112.7), Code 1946, is amended by striking from lines five (5) and six (6) thereof the words, "with the consent of the executive council."

Sec. 42. APPROPRIATION. There is hereby appropriated annually from the general fund of the state for the period beginning with the passage of this act the sum of One Hundred Thousand Dollars (\$100,000.00) which shall be used solely to effectuate the provisions of this act.

Sec. 43. SEVERABILITY. The provisions of this act shall be deemed severable as far as practical, and should any part be declared invalid or unconstitutional, the remaining parts of the act shall not be affected thereby.

Following is a substitute proposed for section 4 of the Bill as presented above, favored by a minority of the committee:

MINORITY SUBSTITUTE FOR SECTION FOUR (4)

Sec. 4. APPOINTMENT. The council shall be composed of twelve (12) members, six (6) of whom shall be representative citizens of the State of Iowa who shall be selected at large and solely with regard to their qualifications and fitness to discharge the obligations of office in this council; together with one ex-officio member for representation from each of the following state agencies which have certain related legal responsibilities in and shall participate for the proper coordination of the affairs of this council; State Conservation Commission, State Department of Agriculture, State Soil Conservation Committee, the Sanitary Engineering Division of the State Department of Health, Iowa Geological Survey and State Highway Commission.

The six (6) members at large shall be appointed by the Governor with appropriate geographical considerations and with the advice and consent of two-thirds of the members of the senate in executive session for overlapping terms of six (6) years. The terms of two such appointive members of the council shall expire on July 1, 1951; the terms of two other appointive members shall expire on July 1, 1953; and the terms of two members shall expire on July 1, 1955. During each regular session of the legislature preceding the expiration of such terms and thereafter two members of the council shall be appointed for terms of six (6) years in the manner described herein. No such member having served six years is eligible for reappointment.

Each of the indicated state agencies shall and are hereby directed to maintain representation and assist with the work of this council at all times by designating an official in the agency, such as the administrative official in charge or any other duly qualified official of the agency, to act as a member of this council.

The authorized functions of the representative agencies are hereby expanded to provide such service and for the full cooperation of each agency in the coordinated affairs of this council.

The council shall be non-partisan and the members shall be selected and appointed without reference to their political affiliations. No member of the council shall have any direct financial interest in or profit by any of the operations of this council.

SPECIAL BENEFIT DISTRICTS

Bill No. 2

A BILL FOR

AN ACT providing for the establishment of districts having for their purpose the protection of land from damage by soil erosion or floods; for the inclusion in such districts of drainage districts heretofore or

hereafter organized when the inclusion of such districts is deemed advisable and for the purpose of generally benefiting the public by a more efficient control of the water resources of the state; amending sections four hundred fifty-five point nine (455.9), four hundred fifty-five point eighteen (455.18), four hundred fifty-five point forty-seven (455.47), four hundred fifty-five point fifty-one (455.51) and four hundred fifty-five point fifty-six (455.56), Code 1946, all relating to levee and drainage districts.

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

Section 1. The conservation of the soil resources of the State of Iowa, the proper control of water resources of the state and the prevention of damage to property and lands through the control of floods, the drainage of surface waters or the protection of lands from over-flow shall be presumed to be a public benefit and conducive to the public health, convenience and welfare and essential to the economic wellbeing of the state.

Section 2. The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session to establish, subject to the provisions of this act, districts having for their purpose soil conservation and the control of flood waters and to cause to be constructed as hereinafter provided, such improvements and facilities as shall be deemed essential for the accomplishment of the purpose of soil conservation and flood control.

Sec. 3. Such districts shall have the power to combine in their functions activities affecting soil conservation, flood control and drainage, or any of these objects, singly or in combination with another.

Sec. 4. If any levee or drainage district or improvement established either by legal proceedings or by private parties shall desire to include in the activities of such district soil conservation or flood control projects, the board upon petition, as for the establishment of an original levee or drainage district, shall establish a new district covering and including such old district and improvement together with any additional lands deemed necessary. All outstanding indebtedness of the old levee or drainage district shall be assessed only against the lands included therein.

Sec. 5. No district shall be established by any board of supervisors under this act unless the organization of such district is approved by the commissioners of any soil conservation district established under the provisions of chapter one hundred sixty (160), Code 1946, and which is included all or in part within such district, nor shall any such district be established without the approval of the state conservation commission and the Iowa water control and resources council.

Sec. 6. In the organization, operation and financing of districts established under this chapter, the provisions of chapters four hundred fifty-five (455), four hundred fifty-six (456), four hundred fifty-seven (457), four hundred fifty-eight (458), four hundred fifty-nine (459), four hundred sixty (460), four hundred sixty-one (461), four hundred sixty-two (462), four hundred sixty-three (463), four hundred sixty-four (464), four hundred sixty-five (465), four hundred sixty-six (466), and four hundred sixty-seven (467), Code 1946, shall apply.

Sec. 7. Section four hundred fifty-five point nine (455.9), Code 1946, is

amended by striking the period in line two (2) of subsection two (2) and by inserting the following: "or subject to erosion or flood danger".

Sec. 8. Section four hundred fifty-five point eighteen (455.18), Code 1946, is amended by adding thereto the following subsection: "Where the proposed district contemplates as its object flood control or soil conservance the engineer shall include in his report data describing any soil conservance or flood control improvements, the nature thereof, and such other additional data as shall be prescribed by the Iowa water control and resources council."

Sec. 9. Section four hundred fifty-five point forty-seven (455.47), Code 1946, is amended by striking the period at the end of said section and by adding thereto the following: "and relieves and protects the same from damage by erosion."

Sec. 10. Section four hundred fifty-five point fifty-one (455.51), Code 1946, is amended by adding the following to subsection two (2) thereof: "For erosion protection and control or flood control."

Sec. 11. Section four hundred fifty-five point fifty-six (455.56), Code 1946, is amended by inserting after the word "drainage" in lines one (1) and two (2) thereof the words "erosion or flood control."

Sec. 12. Wherever any of the provisions of chapters four hundred fifty-five (455), four hundred fifty-six (456), four hundred fifty-seven (457), four hundred fifty-eight (458), four hundred fifty-nine (459), four hundred sixty (460), four hundred sixty-one (461), four hundred sixty-two (462), four hundred sixty-three (463), four hundred sixty-four (464), four hundred sixty-five (465), four hundred sixty-six (466), and four hundred sixty-seven (467), Code 1946, refer to the word "drainage," the word shall be deemed to include in its meaning soil erosion and flood control or any combination of drainage, flood control and soil erosion control. The term "drainage district" shall be considered to include districts having as their purpose soil conservancy or flood control or any combination thereof, and the words "drainage certificates" or "drainage bonds" shall be deemed to include certificates or bonds issued in behalf of any district organized under the provisions of this act; and any procedure provided by these chapters in connection with the organization, financing and operation of any drainage district shall be applicable to the organization, financing and operation of districts organized under this act.

WATER POLLUTION

Bill No. 3

A BILL FOR

An Act to repeal sections one hundred thirty-five point eighteen (135.18) to one hundred thirty-five point twenty-nine (135.29), inclusive, Code 1946, and to enact substitutes therefor, relating to prevention by department of health of pollution of streams and bodies of water.

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

Section 1. Sections one hundred thirty-five point eighteen (135.18), to one hundred thirty-five point twenty-nine (135.29), inclusive, Code 1946, are repealed and the following enacted in lieu thereof:

Par. 1. The department may, upon its own initiative, study, investigate,

7 Under ground water
or survey any stream, lake, or other body of water within the state and bordering on the state, and may determine ways and means of eliminating, so far as practicable, all substances and materials which are rendering the water detrimental to the public health, or unwholesome, or unfit for domestic use or as a public water supply, or deleterious to the health of animals, fish, or aquatic life, or detrimental to the practicable use of the water for recreational purposes, and may determine methods, so far as practicable, of preventing such pollution of such waters. The department shall make such investigations upon the written petition of:

- a. The council of any city or town.
- b. Any local board of health.
- c. The trustees of any township.
- d. Twenty-five residents of the state.
- e. Any state agency or agencies.

Par. 2. Whenever such complaint of pollution of any of the aforesaid waters is filed with the department, or whenever it acts upon its own initiative, it shall make a full and complete investigation which may include such engineering studies, bacteriological, biological, and chemical analyses of the water and location of the sources of contamination as may be found necessary, and, if the pollution is found to exist, the department shall make an order fixing the time and place for a hearing which shall be not less than ten days thereafter. Such hearing shall be public and shall be conducted, so far as possible, in the same manner as a court hearing and every alleged offender shall have the right to appear by counsel, present testimony, and examine witnesses.

Par. 3. Notice of the time and place of hearing shall be served upon each alleged offender at least ten days before said hearing in the manner required for the service of notice of the commencement of an ordinary action in a court of record.

Par. 4. After such hearing the department may, if it believes the alleged offender is guilty of the charges, enter an order directing such person to desist in the practice found to be the cause of such pollution or corruption, or it may order a change in the method of passing waste materials into the water so that the same will be rendered innocuous and harmless.

Par. 5. No order shall be issued under the provisions of paragraph four (4) of this act that will require the expenditure of more than fifteen thousand dollars (\$15,000.00) without the written approval of a majority of the members of the Iowa water control and resources council.

Par. 6. If any such change is ordered, unless such practice is rendering such water dangerous to the public health, a reasonable time shall be granted to the offender in which to put in use the method ordered.

Par. 7. The department shall keep a complete record of such proceeding, including all the evidence taken, and such record shall be open to public inspection.

Par. 8. An appeal may be taken by the aggrieved party from any order entered in such proceeding to the district court of the county in which the alleged offense was committed. Such appeal shall be perfected by serving a written notice on the commissioner of public health within thirty days of the entry of such order. The hearing on appeal shall be tried as a suit in equity and shall be de novo. The court may receive additional testimony and may affirm, modify, or reverse any such order. The setting aside of any such order of the department by the court upon any such appeal shall not prevent or preclude said department from again instituting proceedings against the same person, firm,

corporation or municipality when in its opinion the public health is endangered.

Par. 9. Within thirty days after an application for an appeal is filed with the commissioner, he shall make, certify, and file in the office of the clerk of the court to which the appeal is taken, a full and complete transcript of all documents and papers relating to the case.

Par. 10. The first term after the appeal is taken shall be the trial term, and if the appeal is taken during a pending term, it shall be triable during such term at any time after ten days from the date that the transcript is filed by the commissioner. The hearing on appeal shall be tried as a suit in equity and shall be de novo.

Par. 11. Failure to obey any order made by the department with reference to matters pertaining to the pollution of streams shall constitute contempt. In such event the department may certify to the district court of the county in which such disobedience shall occur, or to the district court of Polk county, the fact of such failure. The district court shall then proceed to hear and determine the matter and to punish for contempt to the same extent as though such failure were in connection with an order made by the district court which is made punishable by contempt.

Par. 12. Any person, firm, or corporation, or any officer or agent thereof, found guilty of contempt under paragraph eleven (11) of this act shall be fined in a sum not to exceed one thousand dollars (\$1,000.00) and, in addition, if a person, be imprisoned for failure to pay such fine. The penalties provided in this paragraph shall be considered as additional to any penalty which may be imposed under the law relative to nuisances or any other statute relating to the pollution of streams or other bodies of water, and a conviction under paragraph eleven (11) of this act shall not be a bar to prosecution under any other penal statute.

Par. 13. No sewerage system which proposes to discharge into any of the waters specified in paragraph one (1) of this act, sewage or any other liquid or solid substance of a decomposable, putrescible, oily, acid, or other character which may cause pollution of any of the aforesaid waters of the state, shall be installed until a written permit for such sewerage system has been granted by the department. No changes, additions to, or extensions of any existing sewerage systems discharging into any of the aforesaid waters, including changes of or additions to or extensions of the method of treating or disposing of the sewage, and no extension of or addition to any factory, manufacturing establishment, or business enterprise, the operation of which will substantially increase the amount of polluting material, shall be made until plans for such changes, additions, or extensions shall have been submitted to and a written permit obtained from the department. Provided, however, that no permit shall be required to any new sewerage system or changes or additions to or extensions of existing systems that receive or may receive only domestic or sanitary sewage from a building housing or occupied by fifteen (15) persons or less.

Par. 14. Plans and specifications for any sewerage system covered by paragraph thirteen (13) of this act shall be submitted to the department before a written permit may be issued, and the construction of any such sewerage system shall be in accordance with said plans and specifications as approved by the department. In case it shall be necessary or desirable to make material changes in such plans or specifications, revised plans or specifications together with reasons for the proposed changes will be submitted to the department for a supplemental written permit.

Par. 15. The department may require any owner of a sewerage system discharging into any of the aforesaid waters to file with it complete plans of the whole or of any part of such systems and any other information and records concerning the installation and operation of such system.

Par. 16. The department shall have the right to establish procedure for the review of any reports, plans, specifications, or other data relative to any sewerage system, written permits for which are required by this act, and may make use of such assistance for such review as existing boards, commissions, and departments of the state may be able to render.

Par. 17. The department is empowered to adopt and enforce rules and regulations governing the method and manner under which plans, specifications, or other data relative thereto shall be submitted for sewerage systems or for additions or changes to or extensions of such systems.

Par. 18. No sewage or any other waste liquid or solid substance of a decomposable, putrescible, oily, chemical, or other character whether treated or untreated shall be discharged directly into any state owned natural or artificial lake, provided, that this paragraph shall not be construed as to prohibit the discharge of adequately treated sewage or wastes into a stream tributary to a lake upon the written permission of the state department of health and the state conservation commission.

SOIL CONSERVATION COMMITTEE

Bill No. 4

A BILL FOR

AN ACT to amend sub-sections one (1) and three (3) of section one hundred sixty point four (160.4), Code 1946, relating to the membership, functions and compensation of members of the State Soil Conservation Committee.

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

Section 1. Sub-section one (1), section one hundred sixty point four (160.4), Code 1946, is amended by striking from line eight (8) the word "four" and by substituting in lieu thereof the word "six"; and by striking from line twelve (12) the word "Three" and by substituting in lieu thereof the word "Five"; and by striking from line fourteen (14) the words "three appointed" and by substituting in lieu thereof the words "five appointive."

Sec. 2. Sub-section three (3) of section one hundred sixty point four (160.4), Code 1946, is amended by striking from line twenty-eight (28) the word "one" and by substituting in lieu thereof the word "two."

SCHOOL DISTRICT PROTECTION

Bill No. 5

A BILL FOR

AN ACT to amend section two hundred seventy-four point thirty-nine (274.39), and section two hundred seventy-four point forty-two (274.42), Code 1946, and providing for reorganization of certain school districts affected by flood control projects.

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

Section 1. Section two hundred seventy-four point thirty-nine (274.39), Code 1946, is amended by striking all of said section preceding the comma in line seven (7) thereof and inserting in lieu thereof the following: "Whenever the federal government, or any agency or department thereof shall have heretofore located or shall hereafter locate in any county an ordnance plant or other project which may be deemed desirable for the development of the national defense or for the purpose of flood control."

Sec. 2. Section two hundred seventy-four point forty-two (274.42), Code 1946, is amended by striking all of said section preceding the comma in line six (6) thereof and inserting in lieu thereof the following: "Whenever the federal government, or any agency or department thereof shall have heretofore located or shall hereafter locate in any county an ordnance plant or other project which may be deemed desirable for the development of the national defense or for the purpose of flood control."

Sec. 3. Section two hundred seventy-four point forty-two (274.42), Code 1946, is further amended by adding thereto the following: "In any case where any school district affected by any project relating to national defense or flood control includes territory in more than one county, or where it is deemed advisable to incorporate into the school district located in one county territory located in another county, the county boards of education of all counties involved shall meet jointly for the purpose of taking action as provided in this section."

Sec. 4. Chapter two hundred seventy-four (274), Code 1946, is amended by adding to said chapter the following section: "When any school district is enlarged or modified under the provisions of sections two hundred seventy-four point forty-two (274.42) to two hundred seventy-four point forty-four (274.44) inclusive, such district shall be entitled to receive reimbursement for loss of taxes as provided by chapter two hundred eighty-four (284), Code 1946. The county board of education shall, when enlarging, modifying or reorganizing any school district as provided under the provisions of sections two hundred seventy-four point forty-two (274.42) to two hundred seventy-four point forty-four (274.44), inclusive, designate which lands each district, as enlarged, modified or reorganized, shall be entitled to make application for reimbursement for loss of taxes as provided by chapter two hundred eighty-four (284), Code 1946."

SEWAGE TREATMENT PLANT

Bill No. 6

A BILL FOR

AN ACT to amend sections three hundred ninety-four point one (394.1), three hundred ninety-four point three (394.3), three hundred ninety-four point six (394.6), Code 1946, relating to self-liquidating improvements and providing for the financing of the construction of sewage treatment plants.

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

Section 1. Section three hundred ninety-four point one (394.1), Code 1946, is amended by inserting after the word "towns" in line one (1)

thereof the following: "and sanitary districts incorporated under the provisions of chapter three hundred fifty-eight (358), Code 1946."

Sec. 2. Section three hundred ninety-four point one (394.1), Code 1946, is further amended by inserting after the word "town" in line five (5) thereof the following: "or sanitary district."

Sec. 3. Section three hundred ninety-four point one (394.1), Code 1946, is further amended by inserting after the word "town" in line fifteen (15) thereof the following: "or sanitary district."

Sec. 4. Section three hundred ninety-four point three (394.3), Code 1946, is amended by inserting after the word "town" in line nine (9) thereof the following: "or in the case of sewage treatment plants in any sanitary district by the trustees of such sanitary district."

Sec. 5. Section three hundred ninety-four point six (394.6), Code 1946, is amended by inserting after the word "towns" in line one (1) thereof the following: "and sanitary districts incorporated under the provisions of chapter three hundred fifty-eight (358), Code 1946".

Sec. 6. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by inserting after the word "towns" in line five (5) thereof the following: "and sanitary districts."

Sec. 7. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by inserting after the word "towns" in line eleven (11) thereof the following: "and sanitary districts."

Sec. 8. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by inserting after the word "towns" in line fifteen (15) thereof the following: "and sanitary districts."

Sec. 9. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by inserting after the word "town" in line nineteen (19) thereof the following: "or sanitary district."

Sec. 10. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by striking the period after the word "improvement" in line twenty-one (21) thereof and by substituting in lieu thereof the words "and from the proceeds of a special tax levy as further provided by the provisions of this act, or in the case of a sanitary district, from the levy authorized by law for the operation of such district."

Sec. 11. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by inserting after the comma in line thirty-eight (38) thereof the following: "except as hereinafter provided."

Sec. 12. Section three hundred ninety-four point six (394.6), Code 1946, is further amended by adding thereto the following provision: "Should it be determined that the anticipated revenue from the operation of any sewage treatment plant under such rates as the city or town council, or board of trustees shall determine by ordinance as fair and equitable, will be insufficient to finance the issuance of a sufficient amount of bonds to provide for the construction of a sewage treatment plant, adequate to the needs of such city or town, for the purpose of paying the cost of construction of such plant, the city or town may issue bonds in the amount needed, notwithstanding the limitations of section four hundred seven point one (407.1), provided, however, that the annual interest on the aggregate of such bonds outstanding after deducting from such interest the amount estimated to be derived from rentals or charges as provided by section three hundred ninety-four point nine (394.9), shall not be in excess of a sum equal to the proceeds of a tax not to exceed two (2) mills on the dollar of the aggregate taxable value of the property therein subject to taxation. Any city or town council after the issuance of bonds as provided by this section shall annually in

the year of the serial maturity of each thereof, set aside a sufficient sum from the proceeds of the tax levied by it under the provisions of this section, which sum shall be applied to the payments of any interest and principal upon such bonds which cannot be paid from the proceeds of rentals or charges as provided by this chapter."

Sec. 13. The provisions of this chapter shall be deemed to apply to the construction, equipment, operation and maintenance of any sewage treatment plant or plants, by any sanitary district operating under the provisions of chapter three hundred fifty-eight (358), Code 1946; and any such sanitary district may, in addition, use the power conferred upon it by chapter three hundred fifty-eight (358), Code 1946, to apply any of the provisions of this chapter relating to the construction, equipment, operation and maintenance of any sewage treatment plant or plants of such sanitary district, or any combination of the power relating to sewage treatment plants granted such sanitary district by the provisions of this chapter and chapter three hundred fifty-eight (358), Code 1946.

Sec. 14. This act shall apply to cities under special charter.

CITY FLOOD CONTROL SYSTEMS

Bill No. 7

A BILL FOR

AN ACT to amend chapter three hundred ninety-five (395), Code 1946, relating to protection from floods by cities and towns, by amending sections three hundred ninety-five point one (395.1), three hundred ninety-five point two (395.2), three hundred ninety-five point twelve (395.12), three hundred ninety-five point eighteen (395.18), and three hundred ninety-five point twenty-five (395.25), and by adding additional provisions to said chapter.

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

Section 1. Section three hundred ninety-five point one (395.1), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "Cities and towns are hereby empowered to establish flood control systems for the protection or reclamation of property situated within the limits of such cities or towns, from floods or high waters and to protect property in such cities from the effects of flood waters whenever the establishment of such a flood control system shall, in the judgment of the city council or other governing body of such city, be conducive to public convenience and welfare, and such cities and towns may in accordance with the provisions of this chapter, deepen, widen, straighten, alter, change, divert, or otherwise improve watercourses within their limits, by constructing levees, embankments, or conduits and improve, widen and establish streets, alleys, and boulevards across and adjacent to the abandoned or new channel or conduit and provide for the payment of the cost and maintenance of such flood control activities under the terms of this chapter.

"The establishment, construction and operation of a flood control system as authorized by this section is declared to be a local improvement, conferring special benefits upon property affected thereby."

Sec. 2. Section three hundred ninety-five point two (395.2), Code 1946, is amended by adding after the word "may" in line one (1) the following: "acquire by gift,"; and by striking from line three (3) the words "outside of" and by substituting in lieu thereof the words "with-in or without"; and by adding to said section the following: "All provisions of the law relating to the condemnation of lands for public purposes shall apply to the provisions hereof in and so far as applicable."

Sec. 3. Section three hundred ninety-five point twelve (395.12), Code 1946, is amended by striking from line seven (7) thereof the figures "391.37" and by substituting in lieu thereof the words and figures "391.34" to 391.37 inclusive."

Sec. 4. Section three hundred ninety-five point eighteen (395.18), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following "The title to all lands purchased, condemned or donated hereunder for the purposes of establishing a flood control system for the protection or reclamation of property shall be taken in the name of the city or town and if thereafter it shall be deemed advisable to sell any portion of the land so purchased, condemned or otherwise acquired, the proceeds of such sale shall be placed to the credit of the flood control system and shall be applied to the cost of construction and operation of the system. Any income from any such lands, while title is held by the city or town shall be placed to the credit of the flood control system and shall be applied to the cost of the construction and operation of the system."

Sec. 5. Section three hundred ninety-five point twenty-five (395.25), Code 1946, is amended by striking from lines one (1) and two (2) thereof the words "cities having 25,000 population or more" and by substituting in lieu thereof the following: "cities and towns."

Sec. 6. Chapter three hundred ninety-five (395), Code 1946, is amended by adding thereto the following: "Any city or town that shall establish a flood control system pursuant to this chapter may for the purpose of providing funds for the operation and maintenance thereof levy an annual special assessment against all real property in the area comprising the improvement district. Such special assessment shall be apportioned among the several lots or parcels of real property in the benefited area, in proportion to the benefit conferred. Such special assessment for the operation and maintenance of any flood control system authorized by this chapter shall be made in the same manner, in accordance with the same procedure and be subject to the same limitations as required by this chapter for the original special assessment for any such improvement."

Sec. 7. Chapter three hundred ninety-five (395), Code 1946, is further amended by adding thereto the following: "All special assessments for the purpose of providing funds for the operation and maintenance of a flood control system shall be levied at one time by resolution of the council on property affected thereby. The provisions of section three hundred ninety-one point sixty-one (391.61), Code 1946, shall apply to the certification of such levy. The provisions of sections three hundred ninety-one point fifty-eight (391.58), three hundred ninety-one point sixty (391.60), three hundred ninety-one point sixty-two (391.62), three hundred ninety-one point sixty-three (391.63), three hundred ninety-one point sixty-four (391.64), three hundred ninety-one point sixty-five (391.65), three hundred ninety-one point sixty-six (391.66), three hundred ninety-one point sixty-seven (391.67), and three hundred ninety-one point sixty-eight (391.68), Code 1946, shall apply to the collection of such assess-

ments, provided, in the case of special assessments for maintenance and operation of any flood control system, such assessments shall be due and payable within thirty (30) days after the certification of such levy if the amount of such assessment is ten dollars (\$10.00) or less, and the entire amount of such assessment if in excess of ten dollars (\$10.00) shall be due and payable at the same time and in the same manner as the March semi-annual payment of ordinary taxes. The provisions of sections four hundred four point twenty-two (404.22) and four hundred four point twenty-three (404.23), Code 1946, shall apply to special assessments as provided by this act."

Sec. 8. Chapter three hundred ninety-five (395), Code 1946, is further amended by adding thereto the following: "Any city or town may contract with any railroad company for the use of railway rights of way, and embankments, and other railroad property which can be utilized for the purpose of flood protection or control by such city, as part of its flood control system, for any period not exceeding ninety-nine years."

DRAINAGE LAW CHANGES

Bill No. 8

A BILL FOR

AN ACT to amend sections four hundred fifty-five point seven (455.7), four hundred fifty-five point eight (455.8), four hundred fifty-five point nine (455.9), four hundred fifty-five point twelve (455.12), four hundred fifty-five point twenty (455.20), four hundred fifty-five point thirty-four (455.34), four hundred fifty-five point thirty-five (455.35), four hundred fifty-five point thirty-eight (455.38), four hundred fifty-five point forty (455.40), four hundred fifty-five point forty-five (455.45), four hundred fifty-five point sixty-eight (455.68), four hundred fifty-five point sixty-nine (455.69), four hundred fifty-five point seventy (455.70), four hundred fifty-five point seventy-two (455.72), four hundred fifty-five point seventy-four (455.74), four hundred fifty-five point eighty-one (455.81), four hundred fifty-five point eighty-seven (455.87), four hundred fifty-five point one hundred twenty-eight (455.128), four hundred fifty-five point one hundred thirty (455.130), four hundred fifty-five point one hundred thirty-five (455.135), four hundred fifty-five point one hundred thirty-six (455.136), four hundred fifty-five point one hundred thirty-seven (455.137), four hundred fifty-five point one hundred thirty-eight (455.138), four hundred fifty-five point one hundred thirty-nine (455.139), four hundred fifty-five point one hundred forty (455.140), four hundred fifty-five point one hundred forty-one (455.141), four hundred fifty-five point one hundred forty-two (455.142), four hundred fifty-five point one hundred forty-six (455.146), four hundred fifty-five point one hundred forty-seven (455.147), four hundred fifty-five point one hundred fifty-three (455.153), four hundred fifty-five point one hundred fifty-six (455.156), and four hundred fifty-five point one hundred sixty-seven (455.167), Code 1946, relating to levee and drainage districts.

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

Section 1. Section four hundred fifty-five point seven (455.7), Code 1946, is amended by striking all of said section and by substituting in lieu

thereof the following: "Two or more owners of lands named in the petition described in section four hundred fifty-five point nine (455.9), may file in the office of the county auditor a petition for the establishment of a levee or drainage district, including a district which involves only the straightening of a creek or river. If the district described in the petition is a subdistrict, one or more owners of land affected by the proposed improvement may petition for such district."

Sec. 2. Section four hundred fifty-five point eight (455.8), Code 1946, is hereby repealed.

Sec. 3. Sub-section one (1) of section four hundred fifty-five point nine (455.9), Code 1946, is amended by striking all of said sub-section and by substituting in lieu thereof the following: "An intelligible description, by congressional subdivision or otherwise, of the lands suggested for inclusion in the district."

Sec. 4. Sub-section three (3) of section four hundred fifty-five point nine (455.9), Code 1946, is amended by striking all of said sub-section and by substituting in lieu thereof the following: "That the public benefit, utility, health, convenience, or welfare will be promoted by the suggested improvements."

Sec. 5. Sub-section four (4) of section four hundred fifty-five point nine (455.9), Code 1946, is amended by striking all of said sub-section and by substituting in lieu thereof the following: "The suggested starting point, route, terminus and lateral branches of the proposed improvements."

Sec. 6. Section four hundred fifty-five point twelve (455.12), Code 1946, is amended by striking the comma after the word "adjourned" in line three (3) and by substituting in lieu thereof the following: "examine the petition and if it can be found sufficient in form and substance, shall".

Sec. 7. Section four hundred fifty-five point twenty (455.20), Code 1946, is amended by striking all of lines nineteen (19), twenty (20), and twenty-one (21) and by substituting in lieu thereof the following: "other persons whom it may concern, and without naming individuals all actual occupants of the land in the proposed district, of".

Sec. 8. Section four hundred fifty-five point thirty-four (455.34), Code 1946, is amended by striking from lines seventeen (17) and eighteen (18) the words "or the remonstrators".

Sec. 9. Section four hundred fifty-five point thirty-five (455.35), Code 1946, is amended by striking from line fourteen (14) the word "seventy" and by substituting in lieu thereof the word "sixty".

Sec. 10. Section four hundred fifty-five point thirty-eight (455.38), Code 1946, is amended by striking from line three (3) the word "shall" and by substituting in lieu thereof the word "may".

Sec. 11. Section four hundred fifty-five point forty (455.40), Code 1946, is amended by striking from lines twelve (12), thirteen (13), and fourteen (14), the words ", which shall not be prior to the date on which the assessments shall be fixed by the board".

Sec. 12. Section four hundred fifty-five point forty-five (455.45), Code 1946, is amended by inserting in line ten (10) after the word "board" the words ", within thirty days,".

Sec. 13. Section four hundred fifty-five point sixty-eight (455.68), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "When one-half or more of all assessments for a drainage or levee district have been paid and it is ascertained that there will be a surplus in the district fund after all assessments have been paid,

the board may refund to the owner of each tract of land, not more than fifty per cent of the proportionate part of such surplus. When all construction work has been completed and all cost paid, and all assessments have been paid in full, the board may refund, to the owner of each tract of land, the proportionate part of any surplus funds except such portion of the surplus as the board considers should be retained for a sinking fund to pay future maintenance and repair costs."

Sec. 14. Section four hundred fifty-five point seventy (455.70), Code 1946, is hereby repealed.

Sec. 15. Section four hundred fifty-five point seventy (455.70), Code 1946, is amended by adding thereto the following: "If the original classification did not designate separately the amount each tract should pay for the main ditch or drain and the amount it should pay for the lateral drains, and if the board finds that a reclassification of the lands will be necessary for an equitable apportionment of present or future costs, it shall order a reclassification made in the manner provided in section four hundred fifty-five point seventy-two (455.72)."

Sec. 16. Section four hundred fifty-five point seventy-two (455.72), Code 1946, is amended by striking all of lines six (6) to nineteen (19), both inclusive, and by substituting in lieu thereof the following: "as a basis for the expenses of any repair, improvement, or extension which may have become necessary, they shall order a new classification of all land in such district by resolution, and shall appoint three commissioners who shall have the qualifications as provided in section four hundred fifty-five point forty-five (455.45)."

Sec. 17. Section four hundred fifty-five point seventy-four (455.74), Code 1946, is amended by striking all of lines six (6) and seven (7) and by substituting in lieu thereof the following: "of the costs and expenses of such repairs, improvements or extension and file a report."

Sec. 18. Section four hundred fifty-five point eight-one (455.81), Code 1946, is amended by adding thereto the following: "Such bonds shall be issued after approval thereof by order of the district court of a county in which the repair or improvement is situated, entered following commencement of an action for declaratory judgment in such district court, petition for which shall ask that a date for hearing thereon be fixed by the court not less than forty days after the date of its filing, said notice to be given to the owner of each tract of land or lot within the proposed district as shown by the transfer books of the auditor's office, including railway companies having a right of way in such a district and to each lien holder or encumbrancer of any land within said district as shown by the county records and to all other persons whom it may concern, and without naming individuals all actual occupants of the land within said district, of the pendency and prayer of said petition."

Sec. 19. Section four hundred fifty-five point eighty-seven (455.87), Code 1946, is amended by adding after the word "bonds," in line four (4) the following: "or if default shall occur by reason of non-payment of assessments,".

Sec. 20. Section four hundred fifty-five point one hundred twenty-eight (455.128), Code 1946, is amended by adding after the word "adopt" in line five (5) the following: ", with or without a petition from owners of the annexed lands,".

Sec. 21. Section four hundred fifty-five point one hundred thirty (455.130), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "After such annexation is made the board shall levy upon the annexed lands an assessment suf-

ficient to equal the assessment for outlet benefit originally paid by the lands of equal classification, plus their proportionate share of the costs of any enlargement or extension of drains required to serve the annexed lands. Any funds derived from assessments for the benefits which the annexed lands received from the district improvements previous to annexation may be held in the district funds, or may be refunded, as provided for other surplus funds in this chapter."

Sec. 22. Section four hundred fifty-five point one hundred thirty-five (455.135), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "When any levee or drainage district shall have been established and the improvements constructed the same shall be at all times under the supervision of the board, who shall have the duty of maintaining and repairing the improvements so that their capacities and service to the lands of the district shall not be materially decreased. For this purpose the board may order yearly inspections, as provided in section four hundred fifty-five point one hundred eighty (455.180), removal of silt and debris, clearing of weeds and other vegetable growth, repair of damaged structures, and any other work deemed necessary to maintain capacities and service. If in maintaining and repairing tile lines it is found cheaper to construct a new line than to repair the existing line, such new line may be considered to be a repair.

"When the board believes that improvements are necessary and desirable it shall instruct the engineer to make such surveys as are required to determine the nature and extent of such improvements, and to file a report showing what improvements are recommended and their estimated costs. Such improvements may include enlarging, widening, deepening, straightening or lengthening any drain or changing its location; converting all or any part of any drain from an open ditch to a closed drain; enlarging, altering or improving pumping plants; leveling the spoil banks; or constructing settling basins. If the estimated cost of the improvements does not exceed twenty-five per cent (25%) of the original cost of the district, the board may order the work done without notice. If the board deems it desirable to make improvements where the estimated cost exceeds twenty-five per cent (25%) of the original cost of the district, it shall set a date for a hearing, and shall cause due notice to landowners as provided in this chapter. Following the hearing the board shall order made such improvements as it deems desirable and feasible. Any interested party shall have the right of appeal as provided in this chapter. Provided, however, that the provisions of this section shall not affect the procedures of section four hundred fifty-five point one hundred forty-two (455.142), covering the common outlets.

"Where under laws in force prior to 1904, drainage ditches and levees were established and constructed without fixing at the time of establishment a definite boundary line for the body of land to be assessed for the cost thereof, the body of land which was last assessed to pay for the repair thereof shall also be considered as the established district for the purpose of this section.

"When the board deems it necessary it may repair or reconstruct the outlet of any private tile line and assess the costs in each case against the land served by the private tile line. When the private tile line serves the land of two or more owners, the apportionment of the costs shall be as provided in sections four hundred sixty-five point thirty-three (465.33), and four hundred sixty-five point thirty-four (465.34)."

Sec. 23. Section four hundred fifty-five point one hundred thirty-six

(455.136), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "The costs of the repair and improvements provided for in section four hundred fifty-five point one hundred thirty-five (455.135), shall be paid for out of the funds of the levee or drainage district. If the funds on hand are not sufficient to pay such expenses, the board within two years shall levy an assessment sufficient to pay the outstanding indebtedness and leave the balance which the board determines is desirable as a sinking fund to pay maintenance and repair expenses."

Sec. 24. Section four hundred fifty-five point one hundred thirty-seven (455.137), Code 1946, is hereby repealed.

Sec. 25. Section four hundred fifty-five point one hundred thirty-eight (455.138), Code 1946, is hereby repealed.

Sec. 26. Section four hundred fifty-five point one hundred thirty-nine (455.139), Code 1946, is hereby repealed.

Sec. 27. Section four hundred fifty-five point one hundred forty (455.140), Code 1946, is hereby repealed.

Sec. 28. Section four hundred fifty-five point one hundred forty-one (455.141), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "When an assessment for repairs or improvements as provided in section four hundred fifty-five point one hundred thirty-five (455.135), exceeds twenty-five per cent (25%) of the original assessment or where original or a subsequent assessment or apportionment did not designate separately the amount it should pay for lateral drains, the board shall order a reclassification and apportionment in accordance with the principles and rules set forth in sections four hundred fifty-five point seventy-two (455.72), and four hundred fifty-five point seventy-four (455.74). Provided, however, if the drains of the district consist of open ditches only, or of tile drains only, the reclassification of lands shall be at the option of the board. Provided further that where the repairs and improvements are to main ditches or to pumping plants, then the percentage of benefits and assessments for the original construction may be used as a basis for assessments for the repairs and new improvements."

Sec. 29. Section four hundred fifty-five point one hundred forty-two (455.142), Code 1946, is amended by striking from line nine (9) thereof the words and figures "sections four hundred fifty-five point one hundred forty (455.140) and" and by substituting in lieu thereof the word "section".

Sec. 30. Section four hundred fifty-five point one hundred forty-six (455.147), Code 1946, is amended by striking from line three (3) the word "ten" and by substituting in lieu thereof the word "twenty-five".

Sec. 31. Section four hundred fifty-five point one hundred forty-seven (455.147), Code 1946, is amended by striking from line three (3) the word "ten" and by substituting in lieu thereof the word "twenty-five".

Sec. 32. Sub-section six (6) of section four hundred fifty-five point one hundred fifty-three (455.153), Code 1946, is amended by striking all of said sub-section and by substituting in lieu thereof the following: "Such other provisions as the board deems necessary."

Sec. 33. Section four hundred fifty-five point one hundred fifty-six (455.156), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "When a drainage district is established and a satisfactory outlet cannot be obtained except through lands in an adjoining county, or when an improved outlet cannot be obtained except through lands downstream from the district boundary,

the board shall have the power to purchase a right of way, to construct and maintain such outlets, and to pay all necessary costs and expenses out of the district funds. The board shall have similar authority relative to the construction and maintenance of silt basins upstream from the district boundary. In case the board and the owners of land required for such outlet or silt basin cannot agree upon the price to be paid as compensation for the land taken or used, the board is hereby empowered to exercise the right of eminent domain in order to procure such necessary right of way."

Sec. 34. Section four hundred fifty-five point one hundred sixty-seven (455.167), Code 1946, is amended by striking from lines six (6) and seven (7) the words "not to exceed, however, five dollars per day each."

DRAINAGE DISTRICT TRUSTEES

Bill No. 9

A BILL FOR

AN ACT to amend sections four hundred sixty-two point fifteen (462.15), four hundred sixty-two point nineteen (462.19), four hundred sixty-two point twenty-seven (462.27), four hundred sixty-two point thirty-one (462.31), four hundred sixty-two point thirty-two (462.32), and four hundred sixty-two point thirty-five (462.35), Code 1946, relating to management of drainage or levee districts by trustees and to provide compensation for trustees.

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

Section 1. Section four hundred sixty-two point fifteen (462.15), Code 1946, is amended by striking all of said section and by substituting in lieu thereof the following: "Each elector shall write or print on a blank ballot, furnished by the election board, his choice for trustee for each election district for which a trustee is to be elected."

Section 2. Section four hundred sixty-two point nineteen (462.19), Code 1946, is amended by striking from lines one (1) and two (2) the words "Except as provided in section four hundred sixty-two point twenty (462.20), the", and by substituting in lieu thereof the word "The".

Section 3. Section four hundred sixty-two point twenty-seven (462.27), Code 1946, is amended by striking from lines eight (8) and nine (9) the words "unless otherwise specifically provided." and by substituting in lieu thereof the following: "including the power to acquire lands for right of way for ditches and settling basins within or without the district and to annex lands to the district, except as provided in section four hundred sixty-two point twenty-eight (462.28)."

Section 4. Section four hundred sixty-two point thirty-one (462.31), Code 1946, is hereby repealed.

Section 5. Section four hundred sixty-two point thirty-two (462.32), Code 1946, is hereby repealed.

Section 6. Section four hundred sixty-two point thirty-five (462.35), Code 1946, is amended by striking the word "three" in line two (2) and by substituting in lieu thereof the word "seven".

DRAINAGE RIGHTS

Bill No. 10

A BILL FOR

AN ACT to amend chapter four hundred sixty-five (465), Code 1946, relating to individual drainage rights and mutual drains, by amending section four hundred sixty-five point one (465.1) and by adding additional provisions to said chapter.

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

Section 1. Section four hundred sixty-five point one (465.1), Code 1946, is amended by striking all of lines one (1) to twelve (12) inclusive, and substituting in lieu thereof the following: "When the owner of any land desires to construct any levee, open ditch, tile or other underground drain, for agricultural or mining purposes, or for the purposes of securing more complete drainage or a better outlet, across the lands of others or across the right of way of a railroad or highway, or when two or more landowners desire to construct a drain to serve their lands, he or they may file with the township clerk of the township".

Section 2. Chapter four hundred sixty-five (465), Code 1946, is amended by adding thereto the following: "When the records of any mutual drain are incomplete or have been lost, or when the owner of any land affected by such mutual drain believes that the apportionment of costs or damages is inequitable or that repair or reconstruction is needed, such owner may petition the board of trustees for relief. The trustees shall notify all affected parties of such petition, and set a date for a hearing on the petition. The trustees may adjourn the proceedings from day to day, but no adjournment shall be for more than ten days, and may order such engineering examinations, reclassifications of lands and appraisals of damages as they deem necessary. At the completion of the hearing the trustees shall reestablish the original records or establish a revised record and basis for apportionment of costs and damages as they find equitable and advisable, and may order such repairs or reconstruction as they find to be needed. All cost of such reestablishment or revisions of records, and of the needed repair or reconstruction shall be apportioned in accordance with the basis established."

Section 3. Chapter four hundred sixty-five (465), Code 1946, is further amended by adding thereto the following: "Whenever a landowner fails to pay the cost apportioned as provided in section two (2), of this act, or whenever a repair or reconstruction ordered as provided in section two (2), of this act, is not made within reasonable time, and in such other instances as the trustees desire, the trustees may transmit a copy of the records and procedures of such mutual drain to the board of supervisors of the county in which the mutual drain is located, together with a request that such mutual drain be established as a drainage district. Upon receipt of such transcript and request, the board of supervisors by resolution shall establish such mutual drain as a drainage district; all proceedings thereafter shall be as provided for other legally established districts."

Section 4. Chapter four hundred sixty-five (465), Code 1946, is further amended by adding thereto the following: "The decisions and

actions of the trustees under section three (3) may be appealed as provided in sections four hundred sixty-five point nine (465.9), four hundred sixty-five point ten (465.10), and four hundred sixty-five point eleven (465.11)."

Section 5. Chapter four hundred sixty-five (465), Code 1946, is further amended by adding thereto the following: "When the lands served by a mutual drain are within the boundary of an established drainage district, a complete record of the proceeding relating to such mutual drain shall be filed with, and as a part of, the records of such established district."

Section 6. Chapter four hundred sixty-five (465), Code 1946, is further amended by adding thereto the following: "If the records referred to in section five (5), of this act, are incomplete or have been lost, the board may reestablish such records so as to proportion future costs and damages in proportion to the benefits and damages received because of the construction of such mutual drains and improvements thereof, and may order such surveys, engineering reports, reclassification of lands and appraisal of damages as they deem necessary. All costs of such proceedings shall be assessed against the benefited lands."

Section 7. Chapter four hundred sixty-five (465), Code 1946, is further amended by adding thereto the following: "Upon receipt of a petition, signed by the owners of the lands served by a mutual drain, requesting that such drain be combined with an established drainage district, the board shall hold a hearing with due notice to the owners of all lands affected by said mutual drain, and if the board finds it desirable it may by resolution make such mutual drains a part of the established district. Such hearing and resolution may be continued as the board deems necessary for the collection of additional information as provided in section six (6), of this act. Such combination with an established district shall constitute dissolution of the mutual drain, and shall be so recorded, after which such mutual drain shall be a part of the district drain in all respects."

GOVERNMENT PAYMENTS

Bill No. 11

A BILL FOR

AN ACT to amend chapter two hundred eighty-four (284), Code 1946, and providing for the distribution and expenditure of funds which may be received from the federal government as a share of federal receipts from the operation of flood control projects.

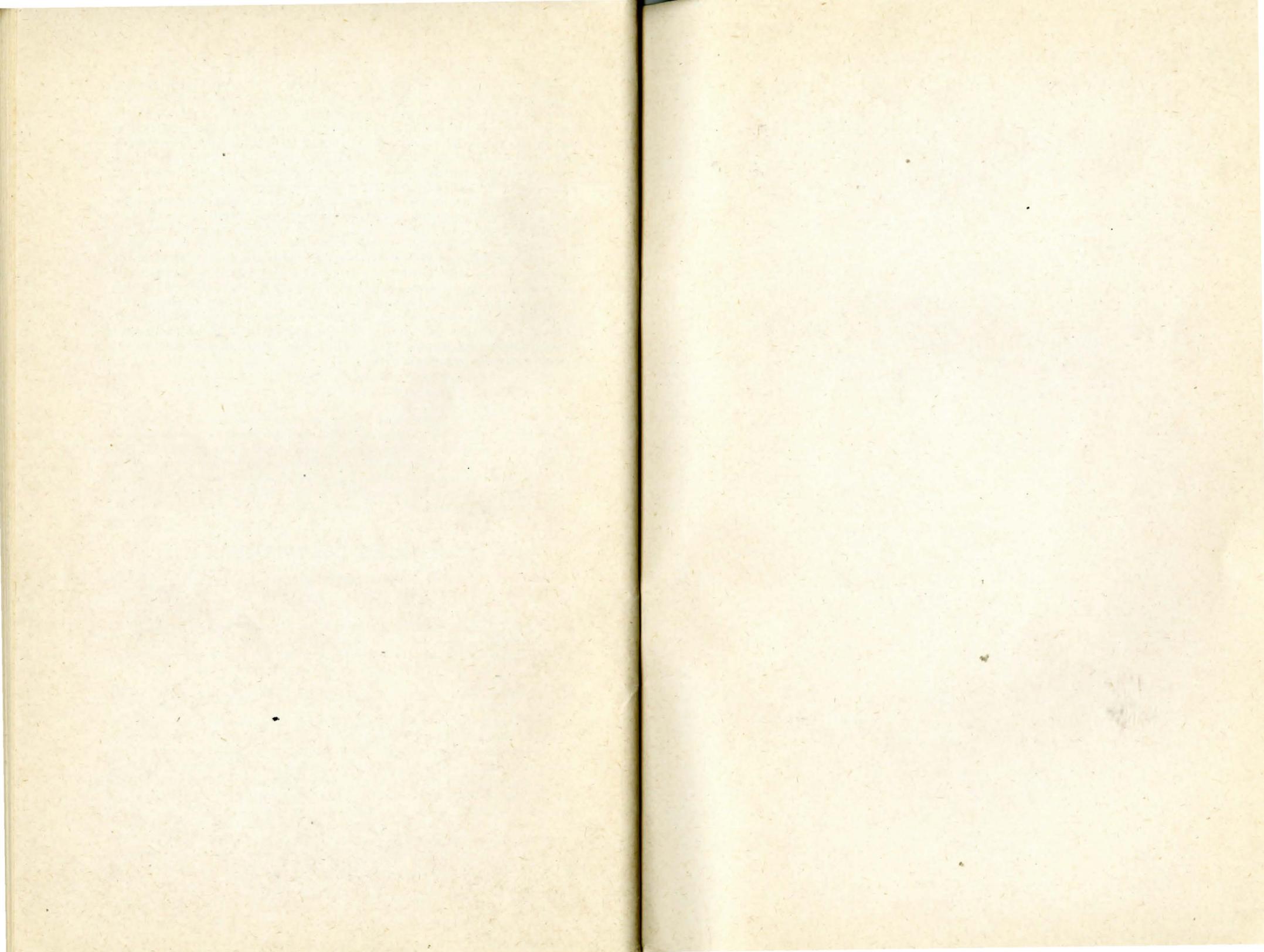
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

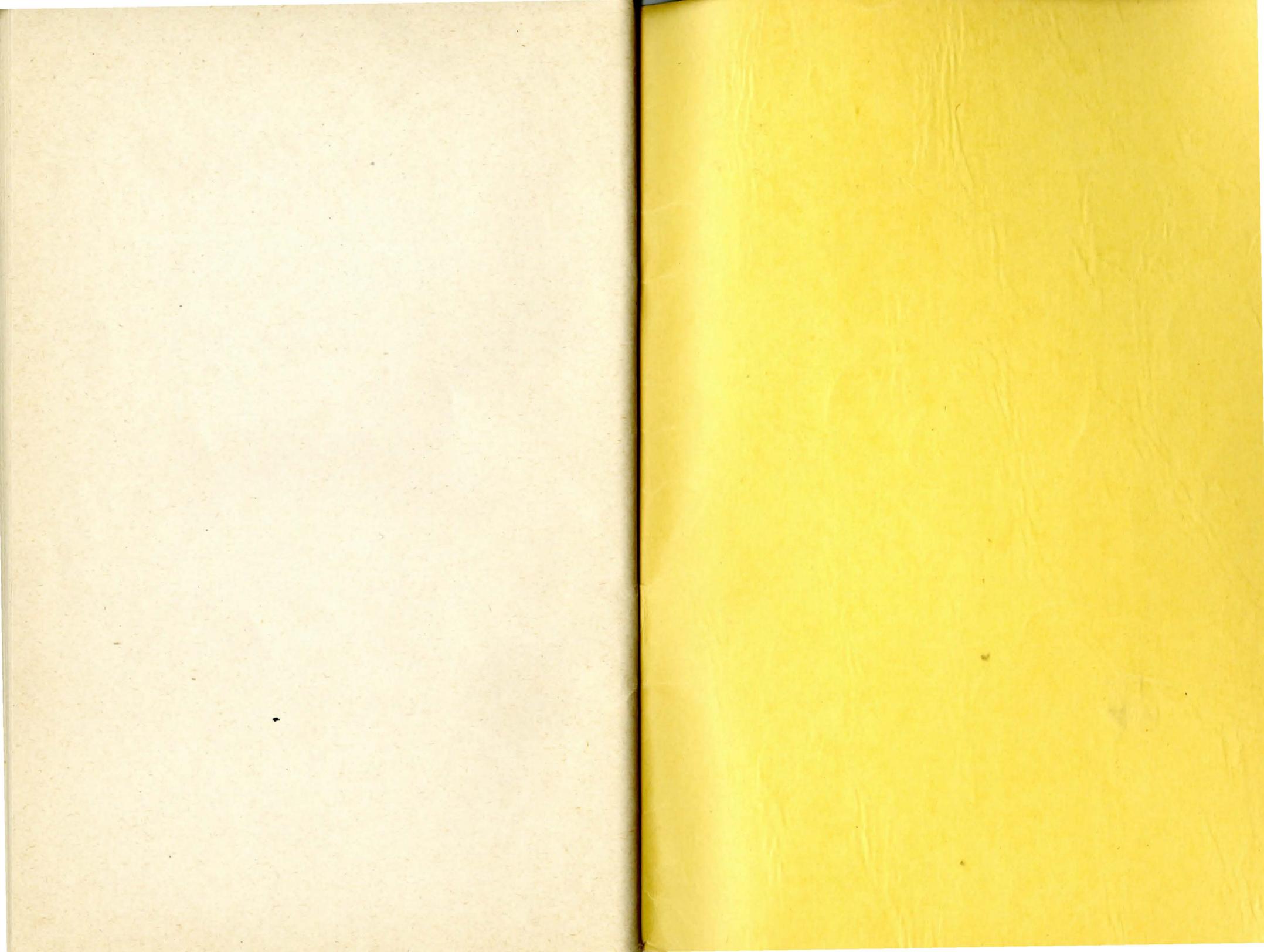
Section 1. Chapter two hundred eighty-four (284), Code 1946, is amended by adding thereto the following: "Whenever there shall be payable by the federal government to counties or school districts of the state any sums of money because of the fact that such school districts or counties are entitled to a share of the receipts from the operation of the federal government of flood control projects within any county of the state, such payments shall be payable to the county treasurer of any county in which such payments become due.

Sec. 2. Upon receipt of any such payments or payment by the county treasurer thirty per cent (30%) of such amount shall be credited to the secondary road construction fund as provided by section three

hundred nine point eight (309.8), Code 1946. Any amount so credited to the secondary road construction fund shall be allocated for construction and maintenance of either construction or maintenance of secondary roads of the county which are principally affected by the construction of such federal flood control projects, and the board of supervisors shall determine which roads of the county are deemed to be principally affected and the amounts which shall be expended from these funds derived from the federal government on such roads.

Sec. 3. The remaining seventy per cent (70%) of any such payments or payment received from the federal government shall be credited to the county board of education fund as created by section thirteen (13) of chapter one hundred forty-seven (147), Acts of the Fifty-second General Assembly, and the county board of education shall determine the districts of the county which are principally affected in their activities by the federal flood control project involved and shall allocate to the general fund of each said school district the amount of such federal payments paid to the county board of education fund deemed to be the equitable share of each such district and the amount thus allocated to each school district shall be paid over by the county board of education to the treasurer of such school district.





STATE LIBRARY OF IOWA



3 1723 02069 0723