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Do Pass 2/2/83 (p. 590)

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FILED FEB 14 1983

SENATE FILE 239

BY WALDSTEIN, JENSEN and
PRIEBE

Passed Senate, Date 3-4-83 (p. 627) Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the simultaneous classification of the
2 main and all laterals of a drainage district when a
3 branch or lateral is improved.

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

SENATE FILE 239

S-3149

1 Amend Senate File 239 as follows:

2 1. Page 1, line 14, by striking the words "shall
3 may simultaneously" and inserting in lieu thereof
4 the words "shall simultaneously".

5 2. Page 1, line 15, by striking the words "the
6 main drains and" and inserting in lieu thereof the
7 words "~~the-main-drains-and~~".

S-3149 FILED
MARCH 2, 1983

Adopted 3/4 (p. 627)

BY ARNE WALDSTEIN
JOHN W. JENSEN
BERL E. PRIEBE

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1 Section 1. Section 455.48, subsection 2, Code 1983, is
2 amended to read as follows:

3 2. When there has been a repair or improvement to a lateral
4 ditch or drain as provided in section 455.135 and the lands
5 benefited by the lateral have not been classified as provided
6 in this section, ~~then~~ the board may order a classification
7 of ~~said~~ the lands and the commission shall ascertain and fix
8 the percentage of benefits and apportionment of costs to the
9 lands benefited by such lateral ditches or drains on the same
10 basis and in the same manner as if ~~said~~ the lateral was with
11 its sublaterals being constructed as a subdistrict as provided
12 in this chapter. ~~Whenever~~ When this procedure is followed
13 for the classification of any lateral ditch or drain in a
14 given district, the board ~~shall~~ may simultaneously follow
15 the same procedure for the main drains and all other lateral
16 ditches or drains in the district which have not been
17 classified as prescribed in this section.

18 EXPLANATION

19 This bill eliminates the requirement that a drainage dis-
20 trict classify the entire district when a classification of
21 a lateral drain or ditch occurs because of an improvement
22 or repair and makes that procedure optional.

23 The bill takes effect July 1 following enactment.

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7 of ~~said~~ the lands and the commission shall ascertain and fix
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9 lands benefited by such lateral ditches or drains on the same
10 basis and in the same manner as if ~~said~~ the lateral was with
11 its sublaterals being constructed as a subdistrict as provided
12 in this chapter. ~~Whenever~~ When this procedure is followed
13 for the classification of any lateral ditch or drain in a
14 given district, the board shall simultaneously follow the
15 same procedure for the-main-drains-and all other lateral
16 ditches or drains in the district which have not been
17 classified as prescribed in this section.

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ditches or drains in the district which have not been classified as prescribed in this section.

SENATE FILE 239

AN ACT

RELATING TO THE SIMULTANEOUS CLASSIFICATION OF THE MAIN AND ALL LATERALS OF A DRAINAGE DISTRICT WHEN A BRANCH OR LATERAL IS IMPROVED.

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

Section 1. Section 455.48, subsection 2, Code 1983, is amended to read as follows:

2. When there has been a repair or improvement to a lateral ditch or drain as provided in section 455.135 and the lands benefited by the lateral have not been classified as provided in this section, ~~then~~ the board may order a classification of ~~said~~ the lands and the commission shall ascertain and fix the percentage of benefits and apportionment of costs to the lands benefited by such lateral ditches or drains on the same basis and in the same manner as if ~~said~~ the lateral was with its sublaterals being constructed as a subdistrict as provided in this chapter. ~~Whenever~~ when this procedure is followed for the classification of any lateral ditch or drain in a given district, the board shall ~~simultaneously~~ follow the same procedure for ~~the main drains and~~ all other lateral

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 239, Seventieth General Assembly.

Approved April 28, 1983

K. MARIE THAYER
Secretary of the Senate

TERRY E. BRANSTAD
Governor