

2/24/98 Do Pass  
S-3/10/98 Agriculture  
S-3/17/98 Do Pass

FEB 18 1998  
Agriculture

HOUSE FILE 2317  
BY MERTZ

Passed House, <sup>(p.571)</sup> Date 3/10/98 Passed Senate, Date 3/23/98 (p.829)  
Vote: Ayes 90 Nays 0 Vote: Ayes 47 Nays 0  
Approved March 31, 1998

**A BILL FOR**

1 An Act relating to drainage districts, by providing for the  
2 maintenance, repair, or replacement of improvements within  
3 drainage districts.

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

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1 Section 1. Section 456B.13, subsection 3, Code 1997, is  
2 amended to read as follows:

3 3. This section does not ~~prevent-a~~ prohibit any of the  
4 following:

5 a. A landowner from utilizing the bed of a protected  
6 wetland for pasture or cropland if there is no construction of  
7 dikes, ditches, tile lines, or buildings and the agricultural  
8 use does not result in drainage.

9 b. A person maintaining, repairing, or replacing an  
10 improvement to a drainage district as provided in chapter 468,  
11 as long as the improvement continues to serve the drainage  
12 district and the functions of the improvement are not expanded  
13 beyond the scope of functions as designed prior to the  
14 maintenance, repair, or replacement.

15 EXPLANATION

16 Code chapter 456B provides restrictions on the use of land  
17 having a protected wetland. Code section 456B.13 prohibits a  
18 person from draining a protected wetland without first  
19 obtaining a permit from the department of natural resources.  
20 The department is authorized to issue a permit if the  
21 protected wetland is replaced with another wetland or the  
22 wetland does not meet the qualifications for continued  
23 protection. This bill provides that the drainage prohibition  
24 does not apply to a person maintaining, repairing, or  
25 replacing an improvement to a drainage district, as long as  
26 the improvement continues to serve the drainage district, and  
27 the functions of the improvement are not expanded beyond the  
28 scope of functions as designed prior to the maintenance,  
29 repair, or replacement.

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beyond the scope of functions as designed prior to the maintenance, repair, or replacement.

HOUSE FILE 2317

AN ACT

RELATING TO DRAINAGE DISTRICTS, BY PROVIDING FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT OF IMPROVEMENTS WITHIN DRAINAGE DISTRICTS.

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

Section 1. Section 456B.13, subsection 3, Code 1997, is amended to read as follows:

3. This section does not ~~prevent-a~~ prohibit any of the following:

a. A landowner from utilizing the bed of a protected wetland for pasture or cropland if there is no construction of dikes, ditches, tile lines, or buildings and the agricultural use does not result in drainage.

b. A person maintaining, repairing, or replacing an improvement to a drainage district as provided in chapter 468, as long as the improvement continues to serve the drainage district and the functions of the improvement are not expanded

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2317, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved March 31, 1998

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TERRY E. BRANSTAD  
Governor