

MAR 6 1997

LOCAL GOVERNMENT

3-13-97 Do Pass
3-3/31/97, Local Gov.
S. 4/3/97 Do Pass
5-4/10/97 Unfinished Business Calendar
HOUSE FILE 485
BY MERTZ

Passed House, ^(P. 903) Date 3/31/95 Passed Senate, ^(P. 1379) Date 4-23-97
Vote: Ayes 96 Nays 1 Vote: Ayes 49 Nays 0
Approved May 19, 1997

A BILL FOR

1 An Act relating to drainage districts by eliminating notice by
2 petitioning landowners regarding the establishment of
3 subdistricts.

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

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HF 485

1 Section 1. Section 468.63, Code 1997, is amended to read
2 as follows:

3 468.63 DRAINAGE SUBDISTRICT.

4 After the establishment of a drainage district, a person
5 owning land within the district which has been assessed for
6 benefits, but which is separated from the main ditch, drain,
7 or watercourse for which it has been so assessed, by the land
8 of others, who desires a ditch or drain constructed from the
9 person's land across the land of the others in order to
10 connect with the main ditch, drain, or watercourse, and is
11 unable to agree with the intervening owners on the terms and
12 conditions on which the person may enter upon their lands and
13 cause to be constructed the connecting drain or ditch, may
14 file a petition for the establishment of a subdistrict and
15 ~~shall give notice of the filing of the petition to each person~~
16 ~~whose land may be included in the subdistrict or may be~~
17 ~~assessed in the subdistrict in the manner provided by sections~~
18 ~~468:14 through 468:18 for the notice of the hearing and have~~
19 ~~proofs on file before the appointment of the engineer, if one~~
20 ~~is appointed.~~ Thereafter After the petition is filed, the
21 proceedings shall be the same as provided for the
22 establishment of an original district.

23 EXPLANATION

24 This bill amends Code section 468.63, which provides for
25 the establishment of a subdistrict by a person who desires a
26 ditch or drain constructed from the person's land across the
27 land of other owners, but is unable to reach an agreement
28 regarding the terms and conditions regarding its construction.
29 Code section 468.63 requires that the owner seeking to
30 establish the subdistrict provide notice of the filing to each
31 person whose land may be included in a subdistrict or may be
32 subject to an assessment. This bill eliminates the notice
33 requirement. It provides that after the petition is filed,
34 the proceedings for establishing the subdistrict shall be the
35 same as for establishing the original district.

proceedings shall be the same as provided for the establishment of an original district.

HOUSE FILE 485

AN ACT

RELATING TO DRAINAGE DISTRICTS BY ELIMINATING NOTICE BY PETITIONING LANDOWNERS REGARDING THE ESTABLISHMENT OF SUBDISTRICTS.

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

Section 1. Section 468.63, Code 1997, is amended to read as follows:

468.63 DRAINAGE SUBDISTRICT.

After the establishment of a drainage district, a person owning land within the district which has been assessed for benefits, but which is separated from the main ditch, drain, or watercourse for which it has been so assessed, by the land of others, who desires a ditch or drain constructed from the person's land across the land of the others in order to connect with the main ditch, drain, or watercourse, and is unable to agree with the intervening owners on the terms and conditions on which the person may enter upon their lands and cause to be constructed the connecting drain or ditch, may file a petition for the establishment of a subdistrict and ~~shall give notice of the filing of the petition to each person whose land may be included in the subdistrict or may be assessed in the subdistrict in the manner provided by sections 468.14 through 468.18 for the notice of the hearing and have proofs on file before the appointment of the engineer, if one is appointed.~~ Thereafter After the petition is filed, the

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 485, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *May 19*, 1997

TERRY E. BRANSTAD
Governor

HF 485