

3/11/99 Do Pass

S-3/25/99 Agreement
S-3/30/99 Do Pass

FEB 22 1999

Agriculture

HOUSE FILE 343

BY MERTZ and KLEMME

(P. 858)
Passed House, Date 3/25/99
Vote: Ayes 96 Nays 0

(P. 1221)
Passed Senate, Date 4/20/99
Vote: Ayes 48 Nays 1

Repassed Approved May 26, 1999
Date 4-21-99
Vote 96-0

A BILL FOR

1 An Act providing for the collection of moneys by a county board
2 of supervisors arising out of the construction of a drainage
3 improvement within a railroad right-of-way.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO HOUSE FILE 343

H-1716

1 Amend House File 343, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 12 through 15 and
4 inserting the following: "jurisdiction. The court
5 may award a prevailing county reasonable attorney fees
6 incurred by the county, to be paid by the railroad
7 company and taxed as part of the costs of the action."

None Considered 4/21/99 (P. 1519) RECEIVED FROM THE SENATE
H-1716 FILED APRIL 20, 1999

HOUSE FILE 343

S-3444

1 Amend House File 343, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 12 through 15 and
4 inserting the following: "jurisdiction. The court
5 may award a prevailing county reasonable attorney fees
6 incurred by the county, to be paid by the railroad
7 company and taxed as part of the costs of the action."

By MARK SHEARER

S-3444 FILED APRIL 20, 1999
ADOPTED 4/20/99 (P. 1221)

HF 343

1 Section 1. Section 468.112, Code 1999, is amended to read
2 as follows:

3 468.112 CONSTRUCTION WHEN COMPANY REFUSES.

4 If the a railroad company ~~shall fail, neglect, or refuse to~~
5 does not comply with said a notice provided in section
6 468.109, the board shall ~~cause the same to be done~~ provide for
7 the construction of the improvement under the supervision of
8 the engineer in charge of the improvement, ~~and such.~~ The
9 railroad company shall be liable for the cost ~~thereof to of~~
10 the construction which shall be collected by the county for
11 said on behalf of the district in any court having
12 jurisdiction. In addition to paying the costs of the
13 improvement, the railroad company shall pay reasonable
14 attorney fees incurred by the county in collecting the amount
15 which shall be taxed by the court.

16 EXPLANATION

17 This bill amends Code chapter 468, which provides that when
18 a board of supervisors requires the construction of a drainage
19 improvement across a railroad right-of-way within a levee or
20 drainage district, the railroad company must construct the
21 improvement after receiving a notice from the county. Code
22 section 468.112 provides that if the railroad company does not
23 construct the improvement, the board may order the
24 construction and charge the costs to the railroad company.
25 This bill provides that in a collection proceeding brought by
26 the county to collect the moneys on behalf of the district,
27 the railroad company is liable for attorney fees incurred by
28 the county in addition to the costs of construction.

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AN ACT

PROVIDING FOR THE COLLECTION OF MONEYS BY A COUNTY BOARD OF SUPERVISORS ARISING OUT OF THE CONSTRUCTION OF A DRAINAGE IMPROVEMENT WITHIN A RAILROAD RIGHT-OF-WAY.

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

Section 1. Section 468.112, Code 1999, is amended to read as follows:

468.112 CONSTRUCTION WHEN COMPANY REFUSES.

If the a railroad company ~~shall fail to neglect or refuse to~~ does not comply with said a notice provided in section 468.109, the board shall ~~cause the same to be done provide for the construction of the improvement~~ under the supervision of the engineer in charge of the improvement, ~~and such~~. The railroad company shall be liable for the cost thereof ~~to of the construction which shall~~ be collected by the county for ~~said on behalf of the~~ district in any court having jurisdiction. The court may award a prevailing county reasonable attorney fees incurred by the county, to be paid by

the railroad company and taxed as part of the costs of the action.

BRENT SIEGRIST
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 343, Seventy-eighth General Assembly.

Approved May 26, 1999

ELIZABETH ISAACSON
Chief Clerk of the House

THOMAS J. VILSACK
Governor