MAR 8 2006 Place On Calendar

> HOUSE FILE 2721 BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 763)

Passed	House,	Date		Passed	Senate,	Date	-	<u> </u>	័
Vote:	Ayes		Nays	Vote:	Ayes	Na	ays	<u> </u>	
Approved									

A BILL FOR

	An Act relating to drainage districts, by providing for a right	
2	to remonstrate.	
3	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:	
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1 Section 1. Section 468.28, Code 2005, is amended to read 2 as follows:

3 468.28 DISMISSAL ON REMONSTRANCE.

4 If₇-at-or-before-the-time-set-for <u>Before a</u> final <u>decision</u> 5 <u>is made as part of a</u> hearing as to the-establishment-of 6 <u>establish</u> a proposed levee, drainage, or improvement district, 7 except <u>other than a</u> subdrainage district, there-shall-have 8 been <u>a remonstrance may be</u> filed with the county auditor, or 9 auditors, in case the district extends into more than one 10 county₇-a-remonstrance. The remonstrance must be signed by a 11 majority of the landowners in the district, and these 12 remonstrants must in the aggregate own seventy percent or more 13 of the lands to be assessed for benefits or taxed for said the 14 improvements, remonstrating-against not counting land which is 15 held by the federal or state government or a political

16 <u>subdivision.</u> The remonstrance shall oppose the establishment 17 of said the levee, drainage, or improvement district, setting 18 forth the reasons therefor, the. The board or boards as the 19 case may be, shall assess to the petitioners and their 20 sureties or apportion the costs among them as the board or 21 boards may deem just or as said the parties may agree upon. 22 When all such costs have been paid, the board or boards of 23 supervisors shall dismiss said the proceedings and cause to be 24 filed with the county auditor all surveys, plats, reports, and 25 records in relation to the proposed district.

EXPLANATION

This bill amends Code section 468.28, which provides that persons may file a remonstrance before a drainage district is established by a board of supervisors or the boards of supervisors in joint counties involving a proposed intercounty drainage district. In order to effectively remonstrate, a majority of landholders owning 70 percent or more of the lands subject to assessment of the proposed drainage district must object. The bill provides that the remonstrance may be filed before a final decision is made by

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	ownership threshold, the bill excludes public lands.		
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HSB 763 Agriculture y $\bigcirc 272/$ HOUSE FILE (PROPOSED COMMITTEE ON AGRICULTURE BILL BY CHAIRPERSON DRAKE)

Passed	House, Date		Passed	Senate,	Date	·
	Ayes		Vote:	Ayes	Nays	
	Appro	ved				

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A BILL FOR

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