

MAR 8 2006  
Place On Calendar

HOUSE FILE 2721  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 763)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 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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HF 2721

1 Section 1. Section 468.28, Code 2005, is amended to read  
2 as follows:

3 468.28 DISMISSAL ON REMONSTRANCE.

4 ~~If, at or before the time set for~~ Before a final decision  
5 is made as part of a hearing as to the establishment of  
6 establish a proposed levee, drainage, or improvement district,  
7 except other than a subdrainage district, there shall have  
8 been a remonstrance may be filed with the county auditor, or  
9 auditors, in case the district extends into more than one  
10 county, ~~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~~ the  
14 improvements, ~~remonstrating against~~ not counting land which is  
15 held by the federal or state government or a political  
16 subdivision. The remonstrance shall oppose the establishment  
17 of ~~said the~~ 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~~ the parties may agree upon.  
22 When all such costs have been paid, the board or boards of  
23 supervisors shall dismiss ~~said the~~ 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.

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#### EXPLANATION

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

1 the board. For purposes of counting the 70 percent land  
2 ownership threshold, the bill excludes public lands.

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Rayhons, Chair  
Huseman  
Trevett

HSB 763

Agriculture

HOUSE FILE \_\_\_\_\_

0 272/

BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON DRAKE)

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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