

House Study Bill 763

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

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:
4 TLSB 6568HC 81
5 da/sh/8

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1 1 Section 1. Section 468.28, Code 2005, is amended to read
1 2 as follows:
1 3 468.28 DISMISSAL ON REMONSTRANCE.
1 4 ~~if, at or before the time set for~~ Before a final decision
1 5 ~~is made as part of a hearing as to the establishment of~~
1 6 ~~establish~~ a proposed levee, drainage, or improvement district,
1 7 ~~except other than a subdrainage district, there shall have~~
1 8 ~~been a remonstrance may be~~ filed with the county auditor, or
1 9 auditors, in case the district extends into more than one
1 10 county, ~~a remonstrance.~~ The remonstrance must be signed by a
1 11 majority of the landowners in the district, and these
1 12 remonstrants must in the aggregate own seventy percent or more
1 13 of the lands to be assessed for benefits or taxed for ~~said the~~
1 14 improvements, ~~remonstrating against not counting land which is~~
1 15 ~~held by the federal or state government or a political~~
1 16 ~~subdivision.~~ The remonstrance shall oppose the establishment
1 17 of ~~said the~~ levee, drainage, or improvement district, setting
1 18 forth the reasons therefor, ~~the.~~ The board or boards as the
1 19 case may be, shall assess to the petitioners and their
1 20 sureties or apportion the costs among them as the board or
1 21 boards may deem just or as ~~said the~~ parties may agree upon.
1 22 When all such costs have been paid, the board or boards of
1 23 supervisors shall dismiss ~~said the~~ proceedings and cause to be
1 24 filed with the county auditor all surveys, plats, reports, and
1 25 records in relation to the proposed district.

1 26 EXPLANATION
1 27 This bill amends Code section 468.28, which provides that
1 28 persons may file a remonstrance before a drainage district is
1 29 established by a board of supervisors or the boards of
1 30 supervisors in joint counties involving a proposed inter=
1 31 county drainage district. In order to effectively
1 32 remonstrate, a majority of landholders owning 70 percent or
1 33 more of the lands subject to assessment of the proposed
1 34 drainage district must object. The bill provides that the
1 35 remonstrance may be filed before a final decision is made by
2 1 the board. For purposes of counting the 70 percent land
2 2 ownership threshold, the bill excludes public lands.
2 3 LSB 6568HC 81
2 4 da:rj/sh/8