

**Senate File 2175 - Introduced**

SENATE FILE 2175

BY SWEENEY

**A BILL FOR**

1 An Act providing for a notice regarding a hearing to determine  
2 how land within a drainage or levee district is to be  
3 classified for purposes of assessing that land.

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

1 Section 1. Section 468.45, Code 2020, is amended to read as  
2 follows:

3 **468.45 Notice of hearing.**

4 1. The board shall fix a time for a hearing upon the report  
5 of the commissioners, and the auditor shall cause notice to be  
6 served upon each person whose name appears as owner, naming the  
7 person, and also upon the person or persons in actual occupancy  
8 of any tract of land without naming the person or persons, of  
9 the day and hour of such hearing, ~~which.~~

10 2. The notice shall be for the same time and served in the  
11 same manner as is provided for the establishment of a levee  
12 ~~or~~ drainage or levee district, and including as provided in  
13 sections 468.14 through 468.18, and shall state include all of  
14 the following:

15 a. A statement of the amount of the assessment of costs and  
16 expenses of construction apportioned to each owner upon each  
17 forty-acre tract or less, and that. However, the statement is  
18 not required to be published as required in section 468.15, if  
19 it is posted in the office of the county auditor and on the  
20 county's internet site. The county auditor shall provide a  
21 copy of the statement upon request.

22 b. A statement that all objections thereto to the report  
23 must be in writing and filed with the auditor at or before the  
24 time set for such the hearing.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 BILL'S PROVISIONS. This bill amends provisions requiring  
29 a county board of supervisors (board) to provide notice of a  
30 hearing regarding a report to classify tracts of land within  
31 a drainage or levee district (district) as established or  
32 proposed to be established by the board. The notice is  
33 required to be delivered to each owner of land within the  
34 district and also by publication in a newspaper of general  
35 circulation in the county where the district is located. The

1 bill provides that the newspaper publication is not required  
2 to include a statement listing the amount of the assessment  
3 of costs and expenses of construction of improvements as  
4 apportioned to each owner, if it is posted in the office of the  
5 county auditor and on the county's internet site. The county  
6 auditor must provide a copy of the statement upon request.

7 BACKGROUND. A district is established after a board  
8 receives a petition by two or more persons who own land in the  
9 proposed district (Code sections 468.7 and 468.8), the board  
10 appoints an engineer to prepare a report (Code sections 468.10  
11 through 468.12), and the board holds a public hearing on the  
12 matter after providing notice to each landowner in the district  
13 and by newspaper publication (Code sections 468.14 and 468.15)  
14 based on procedures relating to the publication of county  
15 notices for elections or other official matters (Code section  
16 331.305). Before or after the district is established, the  
17 board must appoint a commission to prepare a report determining  
18 the classification for each 40-acre tract or fraction of that  
19 tract in the district which is used to impose an assessment  
20 based on benefits from improvements to be made to that tract  
21 (Code sections 468.13 and 468.38 through 468.44). The board  
22 must hold a hearing regarding the commissioner's report  
23 which is conducted in the same manner as when the district  
24 is established. However, the notice for classification must  
25 also include a statement listing the amount of the assessment  
26 of costs and expenses of construction of improvements as  
27 apportioned to each owner for each tract or fraction of a tract  
28 and the filing of objections.