

SEC. 4. Cities and towns included—benefits assessed—notice—objection—appeal. That the law as it appears in section 1989-a-38 of the supplement to the code, 1907, be, and the same hereby is amended by adding thereto the following, to-wit:

“Whenever the streets, alleys, public ways or parks of any incorporated town or city, or city acting under special charter, so included within a levee or drainage district, will be beneficially affected by the construction of any improvement or improvements in such district, it shall be the duty of the commissioners appointed to classify and assess benefits to determine and return in their report the amount of benefit to such streets, alleys, public ways and parks, and notice thereof shall be served upon the clerk of such incorporated town or city, or city acting under special charter, and the town or city council, or clerk of such town or city, may file objections to such assessment in the time and manner provided in case of land owners, and the town or city council shall have the same right to appeal from the finding of the board with reference to such an assessment, and such assessment, as finally established, shall draw interest at the same rate and from the same time as the assessments against lands, and the board of supervisors and the town or city council shall have the same power and authority in reference to issuing improvement certificates or drainage bonds and executing waivers on account of such assessment for benefits to streets, alleys, public ways and parks as is herein conferred upon the board of supervisors and township trustees in reference to assessment for benefits to highways.

SEC. 5. Retro-active. The provisions of this act are hereby made retro-active, and all waivers and improvement certificates heretofore issued by boards of supervisors are hereby legalized, confirmed and made valid.

SEC. 6. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register & [and] Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 29 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 9, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 158.

LEVEES, DRAINS, DITCHES AND WATER COURSES.

S. F. 367.

AN ACT relating to levees, drains, ditches and water courses additional to chapter two (2) title ten (X) of the code and amendments thereto and to chapter two-a (2-a), title ten (X) of the supplement to the code, 1907, and amendments thereto and amending section one thousand nine hundred eighty-nine-a-twenty-one (1989-a-21) and section one thousand nine hundred eighty-nine-a-fifty-two (1989-a-52) of the supplement to the code, 1907, and section one thousand nine hundred eighty-nine-a-forty-nine (1989-a-49) as amended by section seven (7) chapter eighty-seven (87) laws of the thirty-fourth general assembly.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Pumping station—petition for management by trustees. That in all drainage districts heretofore established or which may be hereafter established under the laws of the state of Iowa, having and operating a pumping station, upon the completion of the construction thereof, any three or

more persons who own land within the drainage district which has been assessed for benefits may file in the office of the county auditor a petition signed by a majority of the persons owning land within the drainage district which has been assessed for benefits, asking that said district be placed under the control and management of three trustees, residents of and land owners in said district, to be elected by all the persons owning land in said district that has been assessed for benefits.

SEC. 2. Election—time—place—notice. Upon filing of said petition the board of supervisors shall at their next regular meeting canvass the same and if it shall be determined that the same is signed by a majority of all of the persons owning land in said district that has been assessed for benefits, the board of supervisors shall order an election to be held at some convenient place in the district, at some time not less than thirty (30) nor more than sixty (60) days from the date of the canvass of said petition, for the election of said trustees, and shall name from the residents of the district three judges and two clerks of election and shall cause notice of said election together with the time and place of holding same to be published for two consecutive weeks in the newspaper published in the county in which the district is situated in which the official proceedings of the board of supervisors are published.

SEC. 3. Polls—time open—canvass vote—certify returns—certificate. On the day designated for said election the polls shall open at eight o'clock A. M. and remain open until seven o'clock P. M. and the judges of election shall canvass the vote, and certify the same to the board of supervisors and deposit the ballots cast and the poll books showing the names of the voters with the county auditor. The canvass of the returns shall be on the Monday following said election and the county auditor shall issue a certificate to the trustees of their election.

SEC. 4. Term of office. The trustees shall hold office for a period of two years and until their successors are elected and qualify.

SEC. 5. Biennial election. Elections shall be held biennially in each district upon the first Monday of the month in which the first election was held, for the election of trustees, which shall be called, held and the returns certified in the same manner as the first election.

SEC. 6. Trustees—powers—duties—cost and expense—how paid. The said trustees shall qualify in the same manner as township trustees, and upon their election and qualification they shall have control and supervision of said district in the same manner and with the same powers as are conferred upon the board of supervisors for the control and supervision of drainage districts by sections one thousand nine hundred eighty-nine-a-twenty-one (1989-a-21), one thousand nine hundred eighty-nine-a-forty-nine (1989-a-49) and one thousand nine hundred eighty-nine-a-fifty-two (1989-a-52) of the supplement to the code, 1907, and all costs and expenses necessary to carry out the powers and duties hereby conferred upon said trustees shall be levied and collected upon the land in said district in the same manner as the same are now levied and collected, upon certificate by the trustees to the board of supervisors, of the amount necessary therefor.

SEC. 7. Report signed by two trustees filed with county auditor. Such trustees shall, from time to time, and with reasonable promptness furnish the auditor of each county in which any part of said district is situated with a

correct record of their acts and proceedings, which statement must be signed by at least two of their number and shall be recorded by the auditor in the drainage record.

Approved April 19 A. D. 1913.

CHAPTER 159.

COMPENSATION OF APPRAISERS AND COMMISSIONERS FOR DRAINAGE DISTRICTS.

H. F. 224.

AN ACT to amend section nineteen hundred eighty-nine-a-forty-one (1989-a41) of the supplement of [to] the code, 1907, and amendments thereto relative to the compensation to be paid [to] appraisers of damages and commissioners of drainage districts.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Fees—expenses.** That section 1989-a 41 of the supplement to the code, 1907, be amended by striking out the word "three" after the word "receive" in the second sentence thereof and inserting therefor the words: "such compensation as the board of supervisors may allow, not to exceed four"

Approved April 17 A. D. 1913.

CHAPTER 160.

TAKING PRIVATE PROPERTY FOR WORKS OF INTERNAL IMPROVEMENT.

S. F. 554.

AN ACT to amend the law as it appears in section two thousand nine (2009) of the code relating to appeals from the action of the commissioners in assessing damages where private property is taken for works of internal improvement.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Appeal—how taken—change of venue.** That the law as it appears in section two thousand nine (2009) of the code be and the same is hereby amended by adding thereto after the period at the end of said section the following:

"In cases where the property to be taken is for the use of the state either party shall be entitled to a change in the place of trial to the nearest district court outside of the county in which the property is located upon filing a motion for such change of venue."

Approved April 18 A. D. 1913.