

CHAPTER 110.

DRAINAGE OF HIGHWAYS.

H. F. 217.

AN ACT to provide for the drainage of public highways by the creation of drainage districts, to provide for the repairs thereof, and to provide the procedure therefor, and to provide for the payment of the cost thereof.

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

1 **SECTION 1. Drainage—survey and report.** That whenever in the
2 opinion of the board of supervisors it is necessary to drain any part
3 of any public highway under its jurisdiction and the land abutting
4 upon or adjacent thereto in order that said highway may be pre-
5 served and improved, and made more convenient, it may direct the
6 county engineer to make a survey and report on any part of said
7 highway. In directing the engineer to make such survey the board
8 shall specify in a general way what highway or part thereof they
9 desire surveyed for the purpose of draining the same.

1 **SEC. 2. Survey—contents—names of landowners—plans.** Upon
2 receiving such direction the county engineer shall make a survey and
3 report. He shall not be confined to the exact locality included in the
4 direction of the board of supervisors. His survey and report may in-
5 clude any portion of the county road system or any portion of the
6 township road system, or may include a portion of each of said systems.
7 He shall include in his report a specific designation of such drainage
8 district as in his opinion is necessary to be established in order to
9 better preserve and improve said highway and to render the same of
10 greater use and convenience. The report shall be made at the earliest
11 reasonable time, and if his report recommends the establishment of
12 a drainage district, it shall also include the names of the owners of all
13 land situated within said district, as shown by the transfer books in
14 the office of the county auditor. Said report shall also include the
15 plans and specifications for doing the work recommended and the esti-
16 mated cost thereof.

1 **SEC. 3. Notice—objections—damages—waiver.** Upon the filing
2 of said report, plans and specifications, the board of supervisors shall,
3 if they deem it advisable to further proceed in said matter, cause
4 notice to be given as hereinafter provided of their intention to establish
5 such highway drainage district and of the report of the highway
6 engineer thereon, and that they will at a specified time and place,
7 hold a hearing for the purpose of determining the amount of damages
8 which shall be allowed by reason of the construction of such highway
9 drainage improvement and the advisability of establishing such drain-
10 age district, and that all objections to the establishment of such dis-
11 trict and all claims for damages occasioned by the construction of such
12 improvements, must be filed with the county auditor not less than
13 five days before said hearing or the same will be waived.

1 **SEC. 4. Notice.** The notice herein provided for shall be given
2 by publishing said notice once each week for two consecutive

3 weeks in one or more of the official papers of the county, the last of
4 said publications to be not less than ten days prior to said hearing.

SEC. 5. **Determination by board—adjournment—establishing**
1 **district.** Should the board on the date fixed for such hearing be
2 unable for any reason to hold such hearing, they may adjourn the
3 same to a specified later date and place, of which all parties shall
4 take notice. On such hearing the board shall first determine whether
5 the establishment of such highway drainage district will be conducive
6 to the public convenience and to the preservation and improvement of
7 said highway, and if they so determine they shall make such deter-
8 mination of record and shall thereupon proceed to a determination
9 of the amount of damages to be allowed by reason of the construc-
10 tion of such highway drainage improvement. If in the opinion of
11 said board, the damages so allowed are not excessive, they may estab-
12 lish such district.

SEC. 6. **Commission—apportionment of cost, etc.** If said dis-
2 trict is established, the board of supervisors shall appoint the high-
3 way engineer and two other resident freeholders of the county not
4 residing within said drainage district as a commission to determine
5 the proportion of the cost of such improvement to be paid on account
6 of the public highway and to assess upon the lands within such dis-
7 trict that portion of the cost of said improvement to be paid by special
8 assessment. Said commission shall, within ten days after being ap-
9 pointed, begin the examination of the lands and public highways
10 within said district, and as soon as possible shall make a report to the
11 board of supervisors; first, as to the amount, if any, which should be
12 paid by the county on account of the county road system; second, the
13 amount, if any, which should be paid by the township or townships
14 on account of the township road system, and third, the amount, if any,
15 which each forty (40) acre tract or less within said district shall pay.
16 In making such apportionment the commissioners shall follow the
17 method as nearly as possible now provided for by law in assessing
18 benefits for the construction of levees, ditches, drains and water courses
19 under chapter 2-A, supplement to the code, 1913. The amount fixed
20 by said commission to be paid upon the county road system shall be
21 payable out of the county road funds and the amount fixed by said
22 commission to be paid upon the township road system shall be pay-
23 able out of the township drainage fund. All assessments made here-
24 under may be paid on the installment plan as provided by section
25 nineteen hundred eighty-nine-a twenty-six (1989-a26), supplement to
26 the code, 1913.

SEC. 7. **Report—hearing—levy—duty of auditor—collection.**
1 When the report of said commission is filed, as provided, the board
2 of supervisors shall proceed to fix a time for hearing thereon, and
3 shall cause notice to be served upon each person whose name appears
4 as owner and also upon the person or persons in actual occupancy of
5 any such land in the time and manner provided for the establishment
6 of a highway drainage district. Such hearing may be adjourned
7 from time to time, of which all parties should take notice. At such
8 hearing the board shall have the power to confirm such assessments
9 or to modify the same, as in their judgment may seem just and equit-
10 able, and upon the final determination of the respective amounts shall

11 levy and assess the amount to be paid on account of the county road
12 system to the county; that part to be paid on account of the township
13 road system to the township or townships and the remainder upon the
14 lands within said districts, and the county auditor shall place said
15 levy and assessment so made against the lands within said district
16 upon the first succeeding tax books, and the same shall be collected
17 at the same time and in the same manner as assessments are payable
18 and collected under chapter 2-A of title ten (10) of the supplement
19 to the code, 1913.

1 **SEC. 8. Assessments advanced.** The board of construction on
2 such improvement, shall advance out of the county road fund that por-
3 tion to be collected by special assessment, the amount so advanced to
4 be replaced in said county funds as the special assessments are col-
5 lected.

1 **SEC. 9. Appeals—trial—abandonment of plan.** Any person
2 aggrieved by the decision of the board of supervisors in establishing
3 said highway drainage district or in the fixing of amount of damages
4 allowed to anyone by reason of the taking of land for the construction
5 of said improvement, or in the amount assessed on said lands, shall
6 have the right to appeal to the district court in the same manner in
7 which appeals are now taken under chapter 2-A, title 10 of the sup-
8 plement to the code, 1913. All appeals shall be tried at the first suc-
9 ceeding term of court in said county after the taking of said appeal,
10 provided either party demands such trial, unless for sufficient cause
11 the cause is continued by the court. The appeal to the district court
12 from the establishment of said drainage district or from the order
13 fixing the assessments, shall be tried in equity. An appeal from any
14 award of damages shall be tried at law. Should the amount of
15 damages for the taking of land aforesaid as determined in the district
16 court, be adjudged by the board of supervisors to be excessive, they
17 shall proceed no farther in carrying out said improvement.

1 **SEC. 10. Townships outside of district.** The township trustees
2 of any township, whether any portion of the lands of said township
3 are within said drainage district or not, shall have the right to con-
4 tribute to such improvement such sum out of the township road
5 funds as may appear to them to be equitable.

1 **SEC. 11. Costs on abandonment.** After the coming in of said
2 engineer's report, if said proceedings are dismissed or said improve-
3 ment be abandoned, any costs of such proceeding up to the time of
4 dismissal or abandonment, shall be paid out of the county road fund.

1 **SEC. 12. Cost of engineering.** Improvements herein contem-
2 plated shall be constructed by the board of supervisors under the super-
3 vision and expert knowledge of the county engineer, and no charge for
4 the services of the county engineer shall be included in the cost of
5 such improvement.

1 **SEC. 13. Deficit.** Should the cost of constructing the improve-
2 ment herein provided for be in excess of the total amount received
3 from the board of supervisors and from the township trustees and
4 the amount realized from special assessments, the board of super-
5 visors shall make a new assessment to cover the unpaid balance of
6 the said cost, using as a basis for such re-assessment the same per-

7 centages as were used by the commission in making the first assess-
 8 ment and shall make an additional levy on the lands within said dis-
 9 trict in accordance with such re-assessment, and the additional amount
 10 thus charged against the county road system or the township road
 11 system shall be paid out of the same funds as was the original assess-
 12 ment.

1 **SEC. 14. Maintenance.** The improvement, when completed, shall
 2 remain under the jurisdiction of the board whose duty it shall be to
 3 keep the same in repair and for such purpose shall make additional
 4 appropriations from the county road funds and additional levies in
 5 the same proportion as originally determined.

Approved April 9, A. D. 1915.

CHAPTER 111.

STATE DOCUMENT EDITOR.

H. F. 594.

AN ACT creating the office of state document editor, prescribing the method of selecting the state document editor, fixing his salary and defining his duties.

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

1 **SECTION 1. Document editor—appointment—approval by**
 2 **senate.** The governor shall appoint, on or before the 1st day of
 3 July, 1915, and every two years thereafter, a document editor whose
 4 term of office shall begin on the 1st day of July, 1915, and continue
 5 for two years and until his successor is elected and qualified. All
 6 appointments for said office subsequent to the one first appointed must
 7 be approved by the members of the state senate in executive session,
 by two-thirds vote, before it shall become effective.

1 **SEC. 2. Office—supplies.** The state document editor shall have
 2 an office in the city of Des Moines, to be provided by the executive
 3 council and shall be supplied by the executive council with the neces-
 4 sary office equipment and supplies.

1 **SEC. 3. Salary—oath—bond.** The state document editor shall
 2 receive a salary of two thousand dollars (\$2,000.00) per year. He
 3 shall subscribe to the constitutional oath of office, and shall execute
 4 a bond in the sum of five thousand dollars (\$5,000.00) said bond to
 5 be approved by the executive council.

1 **SEC. 4. Duties.** It shall be the duty of the state document editor
 2 to receive and receipt for all reports, documents and publications re-
 3 ceived from the state binder or those having such printing and binding
 4 in charge; to examine and certify all bills for the same to the execu-
 5 tive council.

1 **SEC. 5. Manuscript—revision—notice—approval of governor.**
 2 The heads of all departments of the state government and societies,
 associations and institutions required to make reports shall deliver