

CHAPTER 307.

LEVEES, DITCHES, DRAINS, ETC.

H. F. 217.

AN ACT to repeal section nineteen hundred eighty-nine-a, fifty-two-a, (1989-a-52-a) supplemental supplement to the code, 1915, and enact a substitute therefor; to repeal section nineteen hundred eighty-nine-a, fifty-two-b, (1989-a-52-b), supplement to the code, 1913, and enact a substitute therefor; to repeal section nineteen hundred eighty-nine-a, fifty-two-c, (1989-a-52-c), supplement to the code, 1913, and enact a substitute therefor; to repeal section nineteen hundred eighty-nine-a-fifty-two-e, (1989-a-52-e), supplement to the code, 1913, and enact a substitute therefor; to repeal section nineteen hundred eighty-nine-a, fifty-two-f (1989-a-52-f) supplemental supplement to the code, 1915, and enact a substitute therefor, relating to the creation of trustees for drainage districts; the method of electing same and their qualifications and compensation.

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

SECTION 1. Pumping stations and levees—management by trustees—petition. That the law as it appears in section nineteen hundred eighty-nine-a, fifty-two-a (1989-a-52-a) of the supplemental supplement to the code, 1915, be and the same is hereby repealed and the following is enacted in lieu thereof:

That in all drainage or levee district having or operating a pumping station or maintaining a levee, or both, heretofore established, or which may hereafter be established under the laws of the state of Iowa, at any time after the completion of the contract for the original construction has been accepted by the board of supervisors, any three or more persons who own land within the district which has been assessed for benefits, may file in the office of the county auditor of the county or counties in which the district is located a petition signed by a majority of the persons owning land within the district which has been assessed for benefits, asking that said district be placed under the control and management of three (3) trustees, residents of the county or counties in which the said district is located, and land owners in said district, to be elected by the persons owning lands in said district that has been assessed for benefits."

SEC. 2. Canvass of petition—election—judges and clerks—notice. That section nineteen hundred eighty-nine-a, fifty-two-b (1989-a-52-b), supplement to the code, 1913, be and the same is hereby repealed and the following is enacted in lieu thereof:

"Upon filing of said petition the board of supervisors, or the joint boards of supervisors of the counties wherein said district is located, shall at a regular or special meeting canvass the same and if it shall be determined that the same is signed by a majority of all the persons owning land in said district that has been assessed for benefits, the board, or joint boards of supervisors, shall order an election to be held at some convenient place in the district at some time not less than thirty (30) days, 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

14 clerks of election and shall cause notice of said election together with
15 the time and place of holding the same to be published for two con-
16 secutive weeks in one newspaper in each county into which said dis-
17 trict extends, in which the official proceedings of the boards of su-
18 pervisors are published."

SEC. 3. Election—assessment governing voting power—man-
1 ner of voting. That the law as it appears in section nineteen hun-
2 dred eighty-nine-a fifty-two-c (1989-a-52-c), supplement to the code,
3 1913, be and the same is hereby repealed and the following en-
4 acted in lieu thereof:

5 "On the day designated for said election, the polls, shall open at
6 eight o'clock a. m., and remain open until seven o'clock p. m., and
7 the judges of election shall canvass the vote, and certify the same to
8 the boards of supervisors and deposit the ballots cast and the poll
9 books showing the names of the voters with the county auditor. The
10 owner of each tract of land over twenty-one years of age, without
11 regard to sex, and any railroad or corporation owning property in
12 said district and assessed for benefits, shall be entitled to at least one
13 vote, provided however, that if a petition asking for the right to
14 vote in proportion to their assessment at all elections for any pur-
15 pose thereafter to be held within said district, signed by sixty per
16 cent of the land owners owning land within said district is presented
17 to said trustees, then in all elections thereafter, held within said
18 district under the provisions of this act, anyone whose land is as-
19 sessed for benefits in a sum exceeding \$10.00, without regard to
20 age, sex or condition, shall be entitled to one vote for each \$10.00
21 of the original assessment for benefits against the land actually owned
22 by him in said district at the time of the election and which has been
23 assessed for benefits in said district, but in order to have his ballot
24 counted for more than one vote, he shall write his name upon his
25 ballot. The vote of any resident of a county in which the district
26 is located, in whole or in part, must be cast in person. The vote of
27 any person or corporation, including railroads owning land or right
28 of way lying wholly or in part within the district as located and
29 established, may have his or its vote cast by some resident taxpayer
30 of the district or agent of such railroad or corporation who is au-
31 thorized by a power of attorney signed and acknowledged by such
32 non-resident land owner or duly authorized officer of such railroad
33 or corporation to cast the vote for him, but the power of attorney in
34 such case shall be filed with the county auditor, at least five (5)
35 days prior to the election at which it is to be effective. The vote
36 of any person who is a minor, insane or under other legal disability
37 shall be cast by the parent, guardian or other legal representative.
38 The canvass of the returns shall be on Monday following said elec-
39 tion and the county auditor shall issue a certificate to the trustees
40 of their election."

SEC. 4. Biennial elections—time of holding—tenure of trustees.
1 That section nineteen hundred eighty-nine-a, fifty-two-e (1989-a-52-e)
2 of the supplement to the code, 1913, be and the same is hereby re-
3 pealed and the following enacted in lieu thereof:

4 "Elections shall be held biennially in such district upon the first
5 Monday of the month in which the first election was held, or on a

6 date which shall be the choice of a majority of the electors of such
7 district expressed by ballot, for the election of trustees, which shall
8 be called by the trustees, held and the returns certified in the same
9 manner as the first election. The term of such trustees shall be for
10 two years or until their successors are duly elected and qualified."

SEC. 5. ~~Trustees—duties—bonds—reclassification—compensation.~~ That the law as it appears in section nineteen hundred eighty-nine-a fifty-two-f (1989-a-52-f) supplemental supplement to the code, 1915, be and the same is hereby repealed and the following enacted in lieu thereof:

5 "The trustees shall qualify in the same manner as township trustees and also by giving a bond in the sum of one thousand (\$1,000.00) dollars each, conditional for the faithful discharge of their duties, and the said bond to be duly approved by the county auditor of the county in which the greater portion of the district is located. The trustees shall have control and supervision of said district with all of the same powers that are now conferred on the board or boards of supervisors for the control or supervision of drainage and levee districts under the drainage and levee laws of Iowa, and they shall promptly and faithfully look after all of the business of the district. If a reclassification and readjustment of the assessments of property or any important change of the district shall be deemed advisable by the said trustees, they shall submit the question of the reclassification and readjustment of the assessments of property, or change of district to the vote of the electors of said district by ballot, at the next regular election of trustees, or they shall have the power to demand a special election therefor.. Should the proposition receive the sanction of the majority of the voters at said election, then the trustees shall proceed in the same manner in the reclassification and readjustment of the assessments as are now provided for governing the actions of the board or boards of supervisors. All costs and expense 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 or boards of county supervisors of the amount necessary therefor. The said fund when so levied and collected shall be held by the county treasurer of the county in which the same is collected, subject to the order of the trustees of said district, and shall be expended only upon their order upon warrants bearing a legal rate of interest, drawn by the county auditors upon certificates approved by the said board of trustees, signed by the president of the board. The said trustees shall have power to issue drainage or levee bonds when necessary, said bonds to be approved by a judge of the district court of the county or counties in which said district lies. The said trustees shall have power, if in their judgment, it is necessary to employ a clerk for said district, and to fix his compensation. The members of the board of trustees shall receive three dollars (\$3.00) per day each for time actually spent in looking after the affairs of the district, and necessary traveling expenses.

1 **Publication clause.** This act being deemed of immediate importance shall be in force from and after its publication in the Des
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3 Moines Register, a newspaper published in Des Moines, Iowa, and the
 4 Muscatine Journal, a newspaper published in Muscatine, Iowa, with-
 5 out expense to the state.

Approved April 23, A. D. 1917.

I hereby certify that the foregoing act was published in the Muscatine Journal April 28, 1917, and in the Des Moines Register April 30, 1917.

W. S. ALLEN, *Secretary of State.*

CHAPTER 308.

EDUCATION FOR DEAF CHILDREN.

S. F. 331.

AN ACT to authorize school corporations to provide education for deaf children and to provide state aid therefor.

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

1 SECTION 1. Instructors for deaf children. That any school cor-
 2 poration within the state having residing therein deaf children of
 3 school age may provide one or more special instructors for such deaf
 4 children, the instruction given under such special instructors to
 5 be substantially equivalent to that given other children of correspond-
 6 ing age in the graded schools.

1 SEC. 2. State aid. That to any school corporation providing
 2 such instruction and complying with all of the provisions of this act
 3 there shall be granted and paid as hereinafter provided state aid in
 4 an amount to be computed at eleven dollars for each month that each
 5 child not more than ten years of age is instructed under the provisions
 6 of this act. No child more than ten years of age shall be admitted to
 7 such instruction.

1 SEC. 3. State board of education to supervise. That when any
 2 school corporation shall elect to proceed under the provisions of this
 3 act it shall, through its proper officers, communicate that fact to
 4 the state board of education, and the state board of education shall
 5 have general supervision of all matters arising under this act, and
 6 no instructor shall be appointed hereunder and no courses or methods
 7 of instruction shall be installed hereunder without the approval of
 8 such state board of education.

1 SEC. 4. State aid—when payable. That the state aid herein
 2 provided for shall be paid annually at the end of the school year upon
 3 properly authenticated and verified claim in form as may be required
 4 by the state board of education, and when such claim is approved by
 5 the state board of education the auditor of state shall draw warrant
 6 accordingly.

1 SEC. 5. Appropriation. That for the purpose of paying the state
 2 aid granted under this act there is hereby appropriated out of any
 3 funds in the state treasury not otherwise appropriated a sum suffi-
 4 cient therefor, such appropriation to be available for the school year
 5 1917-1918 and annually thereafter.

Approved April 23, A. D. 1917.