

1 SEC. 44. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Eddyville Tribune, a newspaper published at Eddyville, Iowa, and
 4 in The Daily Tribune, a newspaper published at Missouri Valley,
 5 Iowa.

Approved March 31, 1949.

I hereby certify that the foregoing act was published in the Ames Daily Tribune, April 16, 1949, and in the Boone News-Republican, April 16, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

Pursuant to authority vested in the undersigned, Secretary of State, The Daily Tribune, Missouri Valley, Iowa, being non-existent and the Eddyville Tribune, Eddyville, Iowa, having refused to publish; the following two papers, Ames Daily Tribune, Ames, Iowa, and Boone News-Republican, Boone, Iowa, are designated to publish the foregoing act.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 204

SOIL CONSERVATION AND FLOOD CONTROL

H. F. 9

AN ACT providing for the establishment of districts having for their purpose the protection of land from damage by soil erosion or floods; for the inclusion in such districts of drainage districts heretofore or hereafter organized when the inclusion of such districts is deemed advisable and for the purpose of generally benefiting the public by a more efficient control of the water resources of the state; amending sections four hundred fifty-five point nine (455.9), four hundred fifty-five point eighteen (455.18), four hundred fifty-five point forty-seven (455.47), four hundred fifty-five point fifty-one (455.51), four hundred fifty-five point fifty-six (455.56), Code 1946, all relating to levee and drainage districts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The conservation of the soil resources of the State of
 2 Iowa, the proper control of water resources of the state and the pre-
 3 vention of damage to property and lands through the control of floods,
 4 the drainage of surface waters or the protection of lands from over-
 5 flow shall be presumed to be a public benefit and conducive to the
 6 public health, convenience and welfare and essential to the economic
 7 wellbeing of the state.

1 SEC. 2. The board of supervisors of any county shall have juris-
 2 diction, power and authority at any regular, special or adjourned
 3 session to establish, subject to the provisions of this act, districts
 4 having for their purpose soil conservation and the control of flood
 5 waters and to cause to be constructed as hereinafter provided, such
 6 improvements and facilities as shall be deemed essential for the ac-
 7 complishment of the purpose of soil conservation and flood control.
 8 Such board shall also have jurisdiction, power and authority at any
 9 regular, special or adjourned session to establish, in the same manner
 10 that the districts hereinabove referred to are established, districts
 11 having for their purpose soil conservation in mining areas within
 12 the county, and provide that anyone engaged in removing the surface
 13 soil over any bed or strata of coal in such district for the purpose of

14 obtaining such coal shall replace the surface soil as nearly as prac-
15 ticable to its original position, and provide that, upon abandonment
16 of such removal operation, all surface soil shall be so replaced. This
17 section shall apply only to surface soil so removed after the effective
18 date of this act, and then only if it is essential for the accomplishment
19 of the purpose of soil conservation and flood control within the purview
20 of this act.

1 SEC. 3. Such districts shall have the power to combine in their
2 functions activities affecting soil conservation, flood control and
3 drainage, or any of these objects, singly or in combination with an-
4 other.

1 SEC. 4. If any levee or drainage district or improvement estab-
2 lished either by legal proceedings or by private parties shall desire
3 to include in the activities of such district soil conservation or
4 flood control projects, the board upon petition, as for the establish-
5 ment of an original levee or drainage district, shall establish a new
6 district covering and including such old district and improvement
7 together with any additional lands deemed necessary. All outstand-
8 ing indebtedness of the old levee or drainage district shall be assessed
9 only against the lands included therein.

1 Sec. 5. No district shall be established by any board of supervisors
2 under this act unless the organization of such district is approved
3 by the commissioners of any soil conservation district established
4 under the provisions of chapter one hundred sixty (160), Code 1946,
5 and which is included all or in part within such district, nor shall any
6 such district be established without the approval of the state conser-
7 vation commission and the Iowa natural resources council.

1 SEC. 6. In the organization, operation and financing of districts
2 established under this chapter, the provisions of chapters four hun-
3 dred fifty-five (455), four hundred fifty-six (456), four hundred
4 fifty-seven (457), four hundred fifty-eight (458), four hundred fifty-
5 nine (459), four hundred sixty (460), four hundred sixty-one (461),
6 four hundred sixty-two (462), four hundred sixty-three (463), four
7 hundred sixty-four (464), four hundred sixty-five (465), four hun-
8 dred sixty-six (466), and four hundred sixty-seven (467), Code 1946,
9 shall apply.

1 SEC. 7. Section four hundred fifty-five point nine (455.9), Code
2 1946, is amended by striking the period in line two (2) of subsection
3 two (2) and by inserting the following: "or subject to erosion or
4 flood danger."

1 SEC. 8. Section four hundred fifty-five point eighteen (455.18),
2 Code 1946, is amended by adding thereto the following subsection:
3 "Where the proposed district contemplates as its object flood control
4 or soil conservance the engineer shall include in his report data
5 describing any soil conservance or flood control improvements, the
6 nature thereof, and such other additional data as shall be prescribed
7 by the Iowa natural resources council."

1 SEC. 9. Section four hundred fifty-five point forty-seven (455.47),
2 Code 1946, is amended by striking the period at the end of said sec-

3 tion and by adding thereto the following: "and relieves and protects
4 the same from damage by erosion."

1 SEC. 10. Section four hundred fifty-five point fifty-one (455.51),
2 Code 1946, is amended by adding the following to subsection two (2)
3 thereof: "For erosion protection and control or flood control."

1 SEC. 11. Section four hundred fifty-five point fifty-six (455.56),
2 Code 1946, is amended by inserting after the word "drainage" in lines
3 one (1) and two (2) thereof the words ", erosion or flood control".

1 SEC. 12. Wherever any of the provisions of chapters four hundred
2 fifty-five (455), four hundred fifty-six (456), four hundred fifty-
3 seven (457), four hundred fifty-eight (458), four hundred fifty-
4 nine (459), four hundred sixty (460), four hundred sixty-one (461),
5 four hundred sixty-two (462), four hundred sixty-three (463), four
6 hundred sixty-four (464), four hundred sixty-five (465), four hun-
7 dred sixty-six (466), and four hundred sixty-seven (467), Code 1946,
8 refer to the word "drainage", the word shall be deemed to include in
9 its meaning soil erosion and flood control or any combination of drain-
10 age, flood control and soil erosion control. The term "drainage dis-
11 trict" shall be considered to include districts having as their purpose
12 soil conservancy or flood control or any combination thereof, and the
13 words "drainage certificates" or "drainage bonds" shall be deemed to
14 include certificates or bonds issued in behalf of any district organized
15 under the provisions of this act; and any procedure provided by
16 these chapters in connection with the organization, financing and
17 operation of any drainage district shall be applicable to the organ-
18 ization, financing and operation of districts organized under this act.

1 SEC. 13. The provisions of this act shall be deemed severable as
2 far as practical, and should any part be declared invalid or unconsti-
3 tutional, the remaining parts of the act shall not be affected thereby.

Approved April 2, 1949.

CHAPTER 205

DRAINAGE AND LEVEE DISTRICTS

H. F. 10

AN ACT to amend sections four hundred sixty-two point fifteen (462.15), four hundred sixty-two point nineteen (462.19), four hundred sixty-two point twenty-seven (462.27), four hundred sixty-two point thirty-one (462.31), four hundred sixty-two point thirty-two (462.32), four hundred sixty-two point thirty-three (462.33), and four hundred sixty-two point thirty-five (462.35), Code 1946, relating to management of drainage or levee districts by trustees and to provide compensation for trustees.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred sixty-two point fifteen (462.15),
2 Code 1946, is amended by striking all of said section and by substitut-
3 ing in lieu thereof the following: "Each elector shall write or print