

4 on a blank ballot, furnished by the election board, his choice for
5 trustee for each election district for which a trustee is to be elected."

1 SEC. 2. Section four hundred sixty-two point nineteen (462.19),
2 Code 1946, is amended by striking from lines one (1) and two (2)
3 the words "except as provided in section four hundred sixty-two
4 point twenty (462.20), the", and by substituting in lieu thereof the
5 word "The".

1 SEC. 3. Section four hundred sixty-two point twenty-seven
2 (462.27), Code 1946, is amended by striking from lines eight (8)
3 and nine (9) the words "unless otherwise specially provided." and
4 by substituting in lieu thereof the following: "including the power
5 to acquire lands for right of way for ditches and settling basins
6 within or without the district and to annex lands to the district,
7 except as provided in section four hundred sixty-two point twenty-
8 eight (462.28)."

1 SEC. 4. Section four hundred sixty-two point thirty-one (462.31),
2 Code 1946, is hereby repealed.

1 SEC. 5. Section four hundred sixty-two point thirty-two (462.32),
2 and section four hundred sixty-two point thirty-three (462.33), Code
3 1946, is hereby repealed.

1 SEC. 6. Section four hundred sixty-two point thirty-five (462.35),
2 Code 1946, is amended by striking the word "three" in line two (2)
3 and by substituting in lieu thereof the word "seven".

Approved March 15, 1949.

CHAPTER 206

MUTUAL DRAINS

H. F. 11

AN ACT to amend chapter four hundred sixty-five (465), Code 1946, relating to individual drainage rights and mutual drains, by amending section four hundred sixty-five point one (465.1), and by adding additional provisions to said chapter.

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

1 SECTION 1. Section four hundred sixty-five point one (465.1),
2 Code 1946, is amended by striking all of lines one (1) to twelve (12),
3 inclusive, and by substituting in lieu thereof the following: "When
4 the owner of any land desires to construct any levee, open ditch, tile
5 or other underground drain, for agricultural or mining purposes, or
6 for the purposes of securing more complete drainage or a better outlet
7 across the lands of others or across the right of way of a railroad
8 or highway, or when two or more landowners desire to construct a
9 drain to serve their lands, he or they may file with the township clerk
10 of the township".

1 SEC. 2. Chapter four hundred sixty-five (465), Code 1946, is
2 amended by adding thereto the following: "When the records of any

3 mutual drain are incomplete or have been lost, or when the owner of
 4 any land affected by such mutual drain believes that the apportion-
 5 ment of costs or damages is inequitable or that repair or reconstruc-
 6 tion is needed, such owner may petition the board of trustees for
 7 relief. The trustees shall notify all affected parties of such petition,
 8 and set a date for a hearing on the petition. The trustees may ad-
 9 journ the proceedings from day to day, but no adjournment shall be
 10 for more than ten days, and may order such engineering examina-
 11 tions, reclassifications of lands and appraisals of damages as they
 12 deem necessary. At the completion of the hearing the trustees shall
 13 reestablish the original records or establish a revised record and
 14 basis for apportionment of costs and damages as they find equitable
 15 and advisable, and may order such repairs or reconstruction as they
 16 find to be needed. All cost of such reestablishment or revisions of
 17 records, and of the needed repair or reconstruction shall be appor-
 18 tioned in accordance with the basis established."

1 SEC. 3. Chapter four hundred sixty-five (465), Code 1946, is
 2 further amended by adding thereto the following: "Whenever a
 3 landowner fails to pay the cost apportioned as provided in section
 4 two (2) of this act, or whenever a repair or reconstruction ordered
 5 as provided in section two (2) of this act is not made within reason-
 6 able time, and in such other instances as the trustees desire, the
 7 trustees may transmit a copy of the records and procedures of such
 8 mutual drain to the board of supervisors of the county in which the
 9 mutual drain is located, together with a request that such mutual
 10 drain be established as a drainage district. Upon receipt of such
 11 transcript and request, the board of supervisors by resolution shall
 12 establish such mutual drain as a drainage district; all proceedings
 13 thereafter shall be as provided for other legally established districts."

1 SEC. 4. Chapter four hundred sixty-five (465), Code 1946, is
 2 further amended by adding thereto the following: "The decisions
 3 and actions of the trustees under section three (3) of this act may be
 4 appealed as provided in sections four hundred sixty-five point nine
 5 (465.9), four hundred sixty-five point ten (465.10), and four hun-
 6 dred sixty-five point eleven (465.11)."

1 SEC. 5. Chapter four hundred sixty-five (465), Code 1946, is
 2 further amended by adding thereto the following: "When the lands
 3 served by a mutual drain are within the boundary of an established
 4 drainage district, a complete record of the proceeding relating to
 5 such mutual drain shall be filed with, and as a part of, the records of
 6 such established district."

1 SEC. 6. Chapter four hundred sixty-five (465), Code 1946, is
 2 further amended by adding thereto the following: "If the records
 3 referred to in section five (5) of this act are incomplete or have been
 4 lost, the board may reestablish such records so as to proportion future
 5 costs and damages in proportion to the benefits and damages received
 6 because of the construction of such mutual drains and improvements
 7 thereof, and may order such surveys, engineering reports, reclassi-
 8 fication of lands and appraisal of damages as they deem necessary.
 9 All costs of such proceedings shall be assessed against the benefited
 10 lands."

1 SEC. 7. Chapter four hundred sixty-five (465), Code 1946, is
 2 further amended by adding thereto the following: "Upon receipt of
 3 a petition, signed by the owners of the lands served by a mutual
 4 drain, requesting that such drain be combined with an established
 5 drainage district, the board shall hold a hearing with due notice to
 6 the owners of all lands affected by said mutual drain, and if the board
 7 finds it desirable it may by resolution make such mutual drains a part
 8 of the established district. Such hearing and resolution may be con-
 9 tinued as the board deems necessary for the collection of additional
 10 information as provided in section six (6) of this act. Such combi-
 11 nation with an established district shall constitute dissolution of the
 12 mutual drain, and shall be so recorded, after which such mutual drain
 13 shall be a part of the district drain in all respects."

Approved March 11, 1949.

CHAPTER 207

STATE SOIL CONSERVATION COMMITTEE

H. F. 5

AN ACT to amend subsections one (1) and three (3) of section one hundred sixty point four (160.4), Code 1946, relating to the membership, functions and compensation of members of the state soil conservation committee.

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

1 SECTION 1. Subsection one (1) of section one hundred sixty point
 2 four (160.4), Code 1946, is amended by striking from line eight (8)
 3 the word "four" and by substituting in lieu thereof the word "six";
 4 and by striking from line twelve (12) the word "Three" and by
 5 substituting in lieu thereof the word "Five"; and by striking from
 6 line fourteen (14) the words "three appointed" and by substituting
 7 in lieu thereof the words "five appointive".

1 SEC. 2. Subsection three (3) of section one hundred sixty point
 2 four (160.4), Code 1946, is amended by striking from line twenty-
 3 eight (28) the word "one" and by substituting in lieu thereof the
 4 word "two".

Approved March 17, 1949.