

Reported Recommending
 Ind. Postponed
 Passed Senate
 Failed to Pass Senate.....
 Passed House
 Failed to Pass House.....

Senate File 310

February 24, 1943.
 Passed on File.

By JUDICIARY 3.

A BILL FOR

An Act to amend and codify all of that part of chapter two hundred forty-one (241), Code, 1939, relating to secondary road assessment districts.

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

1 Section 1. Section four thousand seven hundred forty-five
 2 (4745), Code, 1939, is hereby repealed.

1 Sec. 2. Section four thousand seven hundred forty-six (4746),
 2 Code, 1939, is amended, revised, and codified to read as follows:

3 "1. In order to provide for the graveling, oiling, or other
 4 suitable surfacing of roads of the secondary system, the board of
 5 supervisors shall have power, on petition, to establish second-
 6 ary road assessment districts. Such petition shall be signed by
 7 thirty-five percent of the owners of the lands within such pro-
 8 posed district.

9 "2. The petition for such district shall intelligently des-
 10 cribe the road or roads proposed to be improved, the nature of
 11 the proposed improvement and the lands proposed to be included in
 12 such assessment district.

13 "3. The board of supervisors shall fix a time for hearing
 14 on the proposal and shall cause the county auditor to publish

15 notice of such hearing. Such notice shall state the time and
16 place of said hearing, the road or roads to be improved, the type
17 of surfacing proposed, and a description of the lands lying with-
18 in said proposed district and the ownership thereof as shown by
19 the transfer books in the auditor's office. Said notice shall be
20 published once each week for two consecutive weeks in some news-
21 paper published in the county as near as possible to said dis-
22 trict. The last publication shall be not less than five days
23 previous to said hearing. Proof of publication shall be made by
24 the publisher by affidavit filed with the county auditor.

25 "4. Hearings on the proposed establishment of said district
26 may be adjourned from time to time without loss of jurisdiction
27 by the board. On final hearing the board shall proceed to a deter-
28 mination of said matter. It may reject, approve, or modify and
29 approve said proposal. The board may exclude lands from the dis-
30 trict or may add lands thereto or otherwise modify the proposal.
31 Should the proposal be approved in whole or in part, the board
32 shall establish such district. The order of the board establish-
33 ing such district shall state the road or roads to be improved,
34 the type of improvement, and the lands included in said district.
35 Said order shall be final. The district so established shall be
36 not more than one-half mile wide on each side of the road that is
37 to be surfaced, and no additional lands shall be included within
38 the district after the same is established by the board.

39 "5. Whenever it is desired to improve any road on a county
40 line, a secondary road assessment district may be proposed in the

41 manner herein provided, by the joint action of the boards of super-
42 visors of the counties concerned. Thereafter the procedure shall
43 be followed as herein provided. Each county shall establish an
44 assessment district in its county, levy and collect special as-
45 sessments for the payment of that portion of the cost of such
46 project assessable against lands in that county. Each county
47 shall pay its share of the cost of said project in the same man-
48 ner as though the project were located wholly in that county.”

1 Sec. 3. Section four thousand seven hundred forty-seven
2 (4747), Code, 1939, is hereby repealed.

1 Sec. 4. Sections four thousand seven hundred forty-eight
2 (4748) and four thousand seven hundred forty-nine (4749), Code,
3 1939, are amended, revised and codified to read as follows:

4 “The preparation and approval of plans and specifications,
5 the advertising for bids, the award of contract, and the supervi-
6 sion and inspection of construction work on any secondary road
7 assessment project, shall be conducted in the same manner as pro-
8 vided in chapter 240 for secondary road construction generally.”

1 Sec. 5. Sections four thousand seven hundred fifty (4750),
2 four thousand seven hundred fifty-one (4751), and four thousand
3 seven hundred fifty-two (4752), Code, 1939, are hereby amended,
4 revised and codified to read as follows:

5 “The total cost of improving a secondary road within said
6 district, by oiling, graveling, or other suitable surfacing, shall
7 be apportioned and paid in the proportion of seventy-five percent
8 from the secondary road construction fund and twenty-five percent

9 from assessments on benefited lands.

10 “The total cost of any secondary road assessment district
11 project shall in the first instance be paid out of the secondary
12 road construction fund of said county.

13 “If no special assessment certificates are issued and sold
14 on account of any particular secondary road assessment district,
15 the special assessment on lands included in that district, and
16 the interest on such assessments, when collected, shall be cred-
17 ited to the secondary road construction fund of said county. If
18 certificates are issued and sold in anticipation of the special
19 assessments levied on any such district, the proceeds of such
20 certificates shall be credited to the secondary road construction
21 fund of said county. In that event, the special assessments on
22 said district and the interest on such assessments shall, when
23 collected, be used to retire such certificates and the interest
24 on such certificates.”

1 Sec. 6. Section four thousand seven hundred fifty-three
2 (4753), Code, 1939, is amended, revised, and codified to read as
3 follows: “Special assessments in the aggregate amount of twenty-
4 five percent of the total cost of any secondary road assessment
5 district project shall be apportioned and levied on the lands in-
6 cluded in the secondary road assessment district.”

1 Sec. 7. Section four thousand seven hundred fifty-three and
2 one hundredth (4753.01), Code, 1939, is amended as follows:

3 1. Strike from line thirty-two (32) the words, “twelve and
4 one-half” and insert in lieu thereof, “twenty-five”.

5 2. Strike from lines sixty-four (64) to sixty-nine (69),
6 inclusive, the following, “that (if such be the case) the board
7 of apportionment has recommended that specified additional tracts
8 of real estate should be included within said district, and that
9 specified sums should be apportioned thereto to defray the cost
10 of said improvement.”

11 3. Strike from lines one hundred eight (108) and one hun-
12 dred nine (109) the words, “either” and “or before the state high-
13 way commission”.

14 4. Strike from line one hundred ten (110) the word, “hard”.

1 Sec. 6. Section four thousand seven hundred fifty-three
2 and two hundredths (4753.02), Code, 1939, is hereby repealed.

1 Sec. 9. Section four thousand seven hundred fifty-three and
2 four hundredths (4753.04), Code, 1939, is amended by striking
3 from line three (3) the word, “one-eighth” and inserting in lieu
4 thereof, “one-fourth”.

1 Sec. 10. Section four thousand seven hundred fifty-three
2 and eight hundredths (4753.08), Code, 1939, is amended by strik-
3 ing from line four (4) the words, “the hard surfacing of”.

1 Sec. 11. Section four thousand seven hundred fifty-three
2 and nine hundredths (4753.09), Code, 1939, is amended by strik-
3 ing from lines forty-six (46) and forty-seven (47) the words,
4 “for hard surfacing the roads within said district”.