

within one year such noxious weeds shall be permanently destroyed, and prescribing the manner of their destruction and shall forthwith give notice to the occupant of the lands where the noxious weeds exist, and if he shall neglect to obey such order within the time so ordered the trustees may cause such noxious weeds to be prevented from maturing seeds or may cause such noxious weeds to be permanently destroyed and the cost of the work shall be recovered from the owner by a special tax to be certified by the township clerk in the same manner as other road tax not paid.

SEC. 4. Road funds may be expended. The destruction of noxious weeds in the public highway and other public places is hereby made a part of the road work of the township trustees and the county supervisors and they shall have authority to expend road funds for the destruction of weeds.

SEC. 5. Property tax. The law as it appears in section fifteen hundred and twenty-eight (1528) of the supplement to the code, 1907, is hereby amended as follows, namely: By inserting after the comma in the eighth line thereof the following words: "and for the destruction of noxious weeds in public highways and other public places", and by striking out the word "four" in the tenth line of said section and inserting the word "six" in lieu thereof.

SEC. 6. School of instruction. Between November and the succeeding April of each year the county supervisors shall call a meeting of the township trustees and the road supervisors of the county to consider the best methods of road work and weed destruction, and in the public interest may secure the services of experts to give instruction in road building and weed destruction. For such attendance the same compensation shall be allowed to the trustees and road supervisors and the county supervisors as is allowed by law for other services, to be paid as other expenses. The expenses of experts herein provided for may be paid from the county road fund.

SEC. 7. Cutting of weeds on highways. It shall be the duty of township trustees and other officers directly responsible for the care of public highways to cause to be cut near the surface all weeds on the public highways in their respective districts at such times and in such manner as to prevent seeds from maturing.

SEC. 8. Penalty. Any person, firm or corporation violating any of the provisions of this act, or any township trustees, inspector or other officer who neglects or fails to perform the duties incumbent on him under the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00).

SEC. 9. Repeal. The law as it appears in sections fifteen hundred and sixty-two (1562), fifteen hundred sixty-two-a (1562-a) and fifteen hundred sixty-three (1563) of the supplement to the code, 1907, and sections fifteen hundred and sixty-four (1564) and fifteen hundred and sixty-five (1565) and section five thousand and twenty-four (5024) of the code are hereby repealed.

Approved April 21, A. D. 1909.

CHAPTER 97.

COUNTY ROAD AND DRAINAGE FUNDS.

H. F. 265.

AN ACT to repeal section fifteen hundred thirty (1530) of the supplement to the code, 1907, and enacting a substitute therefor, relating to the county road fund and county drainage fund and providing for the collection and distribution of the same.

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

SECTION 1. Repeal—county road and drainage funds—how levied and paid out. That the law as it appears in section fifteen hundred thirty (1530) of

the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"The board of supervisors of each county shall, at the time of levying taxes for other purposes, levy a tax of not more than one mill on the dollar of the assessed value of the taxable properties in its county, including all taxable property in municipalities which shall be collected at the same time and in the same manner as other taxes and be known as the county road fund and be paid out only on the order of the board of supervisors for the purchase of road tools or machinery or for work done on the roads in the county in such places as it shall determine; provided that on written petition of a majority of the electors who are freeholders of any township in any county the board of supervisors may levy an additional mill in said township to be expended by said board of supervisors on roads in the township where the same is levied; provided further that the board of supervisors of any county may levy an additional tax of not more than one mill on the dollar of the taxable property in the county including all taxable property in cities and incorporated towns outside the limits of cities of the first class and cities acting under special charter, which tax shall be collected at the same time and in the same manner as other taxes and be known as the county drainage fund and be paid out only on the order of the board for drainage of highways and paying drainage assessments heretofore levied for benefits to highways in the county or that may hereafter be levied for such purposes. One-half of the county road fund arising from the property within any municipality shall be paid over by the county treasurer to the treasurer of the municipality in the same manner as other municipal taxes and shall be expended on the roads or streets within such municipality by and under the direction of the council or commission. The county treasurer shall receive the same compensation for collecting this tax as he does for collecting corporation taxes, except as hereinafter provided. Taxes already collected under section fifteen hundred thirty (1530) of the supplement to the code, 1907, and in the hands of the county treasurer shall be paid over to the treasurer of the municipality in the same manner as other municipal taxes. Moneys so collected shall not be transferable to any other fund nor used for any other purpose. The board of supervisors shall levy such additional sum for the benefit of such township as shall have certified a desire for such additional levy as provided for in section fifteen hundred twenty-eight (1528) of this chapter. The amount for the general township fund and the county road fund and county drainage fund shall not exceed in any year six mills on the dollar.

Sec. 2. Portion of road fund due municipality—how expended. The administrative bodies of such municipalities shall have authority to appropriate out of the fund arising from such tax, the whole or any part thereof, for the improvement of roads outside of the limits of their municipality where the board of supervisors are making improvements on such roads, in which case the amount of such appropriation shall be paid over to the treasurer of the county for such specific improvement and disbursed by the board of supervisors. If expended by the administrative body of the municipality it shall be expended upon that part of the roads within its limits which are reserved and used for traveling purposes and only upon such roads as are a continuation of country roads which are main arteries of travel, and one-half of the road fund collected within the municipality and retained for disbursement by the board of supervisors shall be by them used on such roads as are main arteries of travel immediately tributary to the municipality for which such tax has been collected. Nothing herein contained shall prevent the board of supervisors from paying over to the treasurer of the municipality the whole or any part of said tax raised within such municipality to be expended by such municipality as herein provided.

SEC. 3. County treasurer not to be paid for tax collections in certain cities. In municipalities where taxes are collected independent of the county treasurer no compensation shall be paid to the county treasurer for the collection of this tax.

SEC. 4. Municipality defined. The term municipality as herein used is defined to include cities, towns, cities acting under special charter and those under the commission form of government."

Approved April 8, A. D. 1909.

CHAPTER 98.

DIVISION AND CONSOLIDATION OF ROAD DISTRICTS.

H. F. 5.

AN ACT to amend the law as it appears in section fifteen hundred thirty-two-a (1532-a) of the supplement to the code, 1907, relative to the duties of township trustees; the election and compensation of road superintendents; the division and consolidation of road districts and the collection of property road tax.

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

SECTION 1. Township divided into road districts—superintendents—election—compensation. That the law as it appears in section fifteen hundred thirty-two-a (1532-a) supplement to the code, 1907, be hereby amended by inserting after the period at the end of said section the following:

"Provided, however, the board of township trustees at any regular meeting shall, when a written petition is presented to them, signed by at least sixty-five per cent of the voters of such township residing outside of incorporated towns who voted at the last preceding general election, divide the township into two or more road districts, said division to take effect on the first day of January succeeding. When the township is so divided, the electors of each road district at the succeeding general election shall elect a road superintendent for the term of two years. The several road superintendents shall be entitled to receive salaries as fixed by the board of township trustees not exceeding three dollars (\$3.00) per day for each full day's services actually performed.

SEC. 2. Return to one district plan. The board of township trustees after a trial of two or more years of this plan, shall, when a written petition is presented to them signed by a majority of the voters who voted at the last preceding general election, at the April meeting in any year consolidate the road districts of the township and return to the one-district plan, said change to take effect on the first day of January following.

SEC. 3. Separate ballot box. The township trustees of each township where road superintendents are to be elected shall prepare for each election precinct in such township a separate ballot box with compartments to correspond with the number of the different road districts in the township or election precincts and number the same accordingly. The vote for road superintendent shall be on a separate ballot and deposited in the proper compartment of the ballot box, numbered to correspond with the road district.

SEC. 4. Property road tax—how paid. In townships so divided into two or more road districts the township trustees shall permit property owners to work out not to exceed fifty per cent of their property road tax for the year in which said tax is assessed and shall as above provided at their regular annual meeting in April determine the amount of tax to be paid in labor and the amount to be paid in cash, provided that two-thirds of the amount of tax payable in labor shall be worked out under direction of the road superintendent before July first each year.