

3 words, "eight o'clock a.m." and inserting in lieu thereof the following:
4 "one o'clock p.m."

1 SEC. 2. Section four hundred sixty-two point seventeen (462.17),
2 Code 1954, is hereby amended by striking from line three (3) the
3 words "seven o'clock p.m." and inserting in lieu thereof the following:
4 "five o'clock p.m. If no convenient polling place is to be found within
5 the district, the election may be held at some convenient place outside
6 the district."

Approved March 22, 1955.

CHAPTER 225

SOIL CONSERVATION

S. F. 349

AN ACT relating to powers of soil conservation districts and commissioners; authorizing the establishment of subdistricts within a soil conservation district and authorizing and providing for a special tax on all real estate within the boundaries of a subdistrict for the purpose of carrying out watershed protection and flood prevention programs within the subdistricts.

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

1 SECTION 1. Section four hundred sixty-seven A point two
2 (467A.2), Code 1954, is hereby amended by inserting after the word
3 "erosion" in line five (5) thereof the following:
4 "and for the prevention of erosion, floodwater, and sediment dam-
5 ages,".

1 SEC. 2. Section four hundred sixty-seven A point seven (467A.7),
2 Code 1954, is hereby amended as follows:

3 1. By inserting after the word "erosion" in lines two (2) and three
4 (3) of subsection one (1) thereof the following:

5 "and erosion, floodwater, and sediment damages".

6 2. By inserting after the word "and" in line seven (7) of subsection
7 four (4) the following:

8 ", watershed protection and flood".

9 3. By inserting after the word "erosion" in line nine (9) of sub-
10 section six (6) the following:

11 "and for the prevention of erosion, floodwater, and sediment dam-
12 ages,".

13 4. By inserting after the word "erosion" in line (3) of subsection
14 eight (8) the following:

15 "and for the prevention of erosion, floodwater, and sediment dam-
16 ages,".

1 SEC. 3. Chapter four hundred sixty-seven A (467A), Code 1954,
2 is amended by adding thereto the following sections:

3 "1. Subdistricts of a soil conservation district may be formed as
4 hereinafter provided for the purpose of carrying out watershed pro-
5 tection and flood prevention programs within the subdistrict but may
6 not be formed solely for the purpose of establishing or taking over the
7 operation of an existing drainage district.

8 “2. When the landowners in a proposed subdistrict desire that a
9 subdistrict be organized, they shall file a petition with the commission-
10 ers of the soil conservation district. The area must be contiguous
11 and in the same watershed but in no event shall it include any area
12 located within the boundaries of an incorporated city or town. The
13 petition shall set forth an intelligible description by congressional sub-
14 division, or otherwise, of the land suggested for inclusion in the sub-
15 district. The petition shall contain a brief statement giving the reasons
16 for organization, requesting that the proposed area be organized as a
17 subdistrict and must be signed by sixty-five percent (65%) of the land-
18 owners in the proposed subdistrict. Land already in one subdistrict
19 cannot be included in another. The soil conservation district commis-
20 sioners shall review such petition and if found adequate shall arrange
21 for a hearing thereon.

22 “3. Within thirty days after such petition has been filed with the
23 soil district commissioners, they shall fix a date, hour, and place for a
24 hearing thereon and direct the secretary to cause notice to be given to
25 the owners of each tract of land, or lot, within the proposed subdistrict
26 as shown by the transfer books of the auditor's office, and to each lien
27 holder, or encumbrancer, of any such lands as shown by the county rec-
28 ords, and to all other persons whom it may concern, and without
29 naming individuals all actual occupants of land in the proposed sub-
30 district, of the pendency and prayer of said petition and that all objec-
31 tions to establishment of said subdistrict for any reason must be made
32 in writing and filed with the secretary of the soil conservation district
33 at, or before, the time set for hearing. The soil conservation district
34 commissioners shall consider and determine whether the operation
35 of the subdistrict within the defined boundaries as proposed is desir-
36 able, practicable, feasible, and of necessity in the interest of health,
37 safety, and public welfare. All interested parties shall have a right
38 to attend such hearing and to be heard. The soil district commissioners
39 may for good cause adjourn the hearing to a day certain which shall be
40 announced at the time of adjournment and made a matter of record.
41 If the soil district commissioners determine that the petition meets
42 the requirements set forth herein and in section 467A.5, they shall
43 declare that the subdistrict is duly organized and shall record such
44 action in their official minutes together with an appropriate official
45 name, or designation for the subdistrict.

46 “4. The notice of hearing on the formation of a subdistrict shall be
47 by publication once each week for two consecutive weeks in some news-
48 paper of general circulation published in the county (or district) the
49 last of which shall be not less than ten days prior to the day set for
50 the hearing on the petition. Proof of such service shall be made by
51 affidavit of the publisher, and be on file with secretary of the district at
52 the time the hearing begins.

53 “5. If the proposed subdistrict lies in more than one soil conserva-
54 tion district, the petition may be presented to the commissioners
55 of any one of such districts, and the commissioners of all such districts
56 shall act jointly as a board of commissioners with respect to all mat-
57 ters concerning such subdistrict, including its formation. They shall
58 organize as a single board for such purposes and shall designate its
59 chairman, vice-chairman, and secretary-treasurer to serve for terms
60 of one year. Such a subdistrict shall be formed in the same manner and

61 shall have the same powers and duties as a subdistrict formed in one
62 soil conservation district.

63 "6 Following the entry in the official minutes of the soil district com-
64 missioners of the creation of the subdistrict, the commissioners shall
65 certify this fact on a separate form, authentic copies of which shall be
66 recorded with the county recorder of each county in which any portion
67 of the subdistrict lies, and with the state soil conservation committee.

68 "7. The commissioners of a soil conservation district in which the
69 subdistrict is formed shall be the governing body of the subdistrict.
70 When a subdistrict lies in more than one soil conservation district, the
71 combined board of commissioners shall be the governing body. The
72 governing body of the subdistrict shall appoint three trustees living
73 within the subdistrict to assist with the administration of the sub-
74 district.

75 "8. After obtaining agreements to carry out recommended soil con-
76 servation measures and proper farm plans from owners of not less
77 than fifty percent (50%) of the lands situated in the subdistrict, a dis-
78 trict shall have the authority to impose a special annual tax, the pro-
79 ceeds of which shall be used for repair, alteration, maintenance and
80 operation of the present and future works of improvement within its
81 boundaries.

82 On or before July 10 of each year its governing body shall make an
83 estimate of the amount it deems necessary to be raised by such special
84 tax for the ensuing year and transmit said estimate in dollars to the
85 board of supervisors of the county in which the subdistrict lies.

86 If portions of the subdistrict are in more than one county, then the
87 governing body, as hereinbefore designated in such event, after arriv-
88 ing at the estimate in dollars deemed necessary for the entire subdis-
89 trict shall ratably apportion such amount between the counties and
90 transmit and certify the prorated portion to the respective boards of
91 supervisors of each of the counties.

92 The board or boards of supervisors shall upon receipt of certification
93 from the governing body of the district make the necessary millage
94 levy on the assessed valuation of all real estate within the boundaries
95 of the subdistrict lying within their respective county to raise said
96 amounts, but in no event to exceed four (4) mills.

97 The special tax so levied shall be collected in the same manner as
98 other taxes with the proceeds therefrom to be kept in a separate ac-
99 count by the appropriate county treasurer or treasurers identified by
100 the official name of the subdistrict and expenditures therefrom shall be
101 made on requisition of the chairman and secretary of the governing
102 body of the subdistrict."

1 SEC. 4. This Act being of immediate importance shall be in force
2 and effect immediately upon its passage and publication in The Mal-
3 vern Leader, a newspaper published at Malvern, Iowa, and the Newton
4 Daily News, a newspaper published at Newton, Iowa.

Approved March 31, 1955.

I hereby certify that the foregoing Act, Senate File 349, was published in The Malvern Leader, Malvern, Iowa, April 7, 1955, and in the Newton Daily News, Newton, Iowa, April 8, 1955.

MELVIN D. SYNHORST, *Secretary of State.*