

## A BILL

FOR AN ACT TO CREATE DRAINAGE DISTRICTS, AND TO PROVIDE FOR THE  
IMPROVEMENT OF LOW LANDS, AND LANDS SUBJECT TO OVERFLOW.

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

SECTION 1. The inhabitants or owners of any territory subject to overflow or requiring  
2 drainage, or to be benefited thereby, may be organized into a drainage district and as such  
3 be a body corporate with power to contract, to plead or be impleaded and other rights of a  
4 body corporate, by conforming to the requirements hereinafter set forth.

SEC. 2. When any number of the owners of such lands to the number of ten or more de-  
2 sire to form an organization under this act they shall give notice by publication in some  
3 newspaper of general circulation in the county or counties in which such territory is located  
4 fixing a time and place for the organization of such association which notice shall be com-  
5 plete by one insertion in such newspaper at least ten days before such meeting, and if at  
6 such meeting there are not less than ten owners of such lands present the majority present  
7 may organize a drainage district to be known by, and designated by, such name or number  
8 as may be adopted by such organization.

SEC. 3. Said district shall elect at its organization and thereafter triennially a president,  
2 three directors, a secretary and treasurer, who shall perform such duties as are performed  
3 by such officers in independent school districts, and shall qualify in like manner and shall  
4 serve without compensation except the secretary and treasurer who shall receive such com-  
5 pensation as the board of directors may fix.

6 It shall be the duty of said board of directors to cause a plat of said district, together  
7 with a list of its officers, to be filed in the office of the county auditor who shall record the  
8 same in a book kept for that purpose.

SEC. 4. The said board of directors shall on or before the first Monday in August in each  
2 year prepare and submit to the members of such organization a plan for the improvement  
3 of the lands in such districts with an estimate of the probable cost thereof and the rate in  
4 mills to be levied on each tract of land or parcel of land in said district owned by each per-  
5 son. And if a majority of the members present vote for such improvement and rate of tax  
6 then the same shall be certified to the board of supervisors, and shall be levied as other  
7 taxes on such lands.

SEC. 5. The meeting at which such plan is submitted may be fixed by notice or by an  
2 article adopted at any regular meeting of such association. If by notice it shall be either

3 by publication in some newspaper of general circulation or by posting in three public places  
4 in the district, and in either case not less than ten days.

SEC. 6. The notice for the organization provided for in section one shall designate by sec-  
2 tion or parts of section, township and range the lands to be organized into said district.

SEC. 7. All moneys collected by taxation under this act shall be expended under the direc-  
2 tion of the board of directors, and all work of improvement shall be let after careful esti-  
3 mates first being made by said board, which estimates shall not be made public to the lowest  
4 responsible bidder at a public letting; *Provided*, that the owner of any parcel of land  
5 through which any part of the work is to be done shall have the election to perform the  
6 same at the rate embraced in the lowest bid received for the work; *provided*, also, said board  
7 shall have the power to reject any bid in excess of the estimate.

SEC. 7. Damages for the right to erect levees, make ditches, or other improvements, to  
2 the owners of any lands affected thereby may be adjusted by the board of directors for that  
3 purpose, or by two disinterested arbitrators and one umpire to be chosen in the usual way,  
4 whose assessment shall be final and in either case a certificate or award filed with the  
5 county auditor shall entitle the board to proceed with such work.

SEC. 8. Said board of directors shall have power to make by-laws to govern the owners of  
2 any land in said district in the management of ditches, streams or levees and to protect the  
3 the same from drift and other accumulation or growth affecting the flow of water or affect-  
4 ing works of improvement thereon.

SEC. 9. When any ditch, levee, embankment or excavation shall cross over or along any  
2 railway or highway it shall be lawful for said board of directors to cause the same to be con-  
3 structed after having given the railway company ten days' notice served on their agent as  
5 original notices are served, and the board of supervisors, while in session, ten days' notice  
6 of their purpose to do so, and said railway company or board of supervisors, as the case may  
7 be, shall construct the necessary bridges or culverts or other means of travel over the ditch,  
8 embankment or structure.

SEC. 10. No district formed under this act shall consist of land in more than one county  
2 unless by the approval of the board of supervisors of all the counties in which such lands  
3 are situated.

SEC. 10. In making assessment of taxes the board of directors shall apportion the same  
2 according to the benefits accruing to each tract, upon the principles of equity and justice,  
3 and should any person deem his or her assessment unjust, the same shall be referred to two  
4 arbitrators and an umpire to be selected in the usual way and whose decision shall be final.

SEC. 11. Said board of directors shall have power to straighten streams by means of  
2 ditches, and damages for diverting such streams from their natural course shall be settled  
3 as other damages are herein authorized to be settled.

SEC. 12. The right of way for ditches or other improvements over the lands of minors or

2 insane persons shall be adjusted with the guardian of such person, and the right of way  
3 over lands owned by non-residents may be adjusted after the service of a notice for thirty  
4 days on the person who last paid the taxes on such land; if paid by such person for the  
5 owner.

SEC. 13. At all elections and meetings of the persons comprising such districts, the  
2 owners, whether male or female, of any land subject to taxation in said district shall be en-  
3 titled to vote in person or by proxy executed in writing.

SEC. 14. Said board of directors shall have power to appoint or employ a civil engineer  
2 when deemed necessary.

SEC. 15. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 16. This act being deemed of immediate importance shall take effect and be in  
2 force from and after its passage and publication in the Des Moines Leader and Iowa State  
3 Register, newspapers published at Des Moines, Iowa.]