

A BILL

FOR AN ACT TO FACILITATE THE DRAINAGE OF WET LANDS, AND PROVIDE
A MORE EQUITABLE APPORTIONMENT OF THE TAXES INCIDENT TO SAID
WORK.

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

SECTION 1. The petition to the board of supervisors asking for the construction of a ditch,
2 drain or improvement of water course, except as hereinafter provided, shall specify approxi-
3 mately the lands, which in the opinion of the petitioners will be benefited by the proposed
4 improvement, and shall be signed by the proprietors, who, in their opinion, ought to pay the
5 major part of the expenses incident to the location and construction of said work.

SEC. 2. When an engineer shall be employed on said work to take levels, he shall cause to
2 be established one or more bench marks, whose location and height shall be given in his re-
3 port. And his report as to the propriety of establishing said work shall specify all the lands
4 which he thinks will be affected by it, whether adjacent or not; those that will be damaged,
5 and in what manner, as well as those that will be benefited. But the claims or liabilities of
6 any parties whose lands may be omitted from said report, shall not be prejudiced by such
7 omission.

SEC. 3. The auditor shall give at least twenty days notice to each of the parties whose
2 land is so reported, of the time of hearing the question of establishing said work. Parties
3 thus notified and claiming damages, shall file their claims before noon of the day of hearing.
4 Before deciding the question of establishment, the board may, at their discretion, personally
5 examine the premises.

SEC. 4. The scale of benefits for the basis of taxation to pay the expenses incident to the
2 location and construction of said work, shall be made by a commission consisting of three dis-
3 interested freeholders of the county, to be appointed by the auditor. And a copy of their
4 report shall be kept at such place or places as the board of supervisors may think most con-
5 venient for examination by the several parties interested. At least twenty days immediately
6 preceding the time of hearing the question of its adoption, public notice shall be given of
7 the privilege of examining this copy, and of the time of hearing the question of its final adop-
8 tion. Any person who may think said report ought to be amended, may file with the board
9 at any time before noon of the day of hearing, such proposed amendments and the reasons

10 for them. The board may hear evidence and make such amendments as they may think the
11 merits of the case require, and for this purpose may adjourn from time to time and meet at
12 such places as they may think most expedient, provided a final decision shall be made in time
13 for entering on the tax-list of that year. And provided that no assessment shall be directly
14 increased until the party shall have at least five days notice of such proposed increase.

SEC. 5. In determining the amount of taxes to be assessed against the lands benefited,
2 the board may, at their discretion, add to the sum of all the expenses incident to the location
3 and construction of said work at its final completion, an amount not to exceed five per cent
4 of said sum for a fund to keep said work in repair.

SEC. 6. When this fund shall have been exhausted, and it shall become necessary to raise
2 an additional tax for keeping said work in repair, the auditor shall notify each party liable
3 to pay such tax, at least forty days before the September meeting of the board. Any party
4 may file with the auditor a petition asking for the appointment of a commission to re adjust
5 the scale of benefits for the basis of future taxes. Such petition shall set forth the reasons
6 for the proposed change or changes, and shall be accompanied by a satisfactory bond, con-
7 ditioned for the payment of all expenses incident to the same, provided no change shall be
8 found necessary. Such petition must be filed at least thirty days before the September meet-
9 ing of the board. Upon the filing of said petition and bond, the auditor shall appoint a com-
10 mission of three disinterested freeholders to examine the merits of the proposed changes, who
11 shall report within ten days thereafter. If they report adversely, no further proceedings shall
12 be had. If they recommend any of the proposed changes, then a copy of their report shall be
13 placed for examination as provided for the original report of the scale of benefits, and the
14 subsequent proceedings shall be similar.

SEC. 7. The board of supervisors shall appoint for every ditch, drain or improvement of
2 water course which may need to be cleaned of obstructions, or otherwise kept in repair, a su-
3 pervisor who shall hold his office during their pleasure, and who shall keep the work in as
4 efficient condition as when originally constructed, as near as practicable; and under the di-
5 rection of the board of supervisors may do such additional work as the action of the water
6 may show to be necessary. He shall give satisfactory bond for the faithful discharge of his
7 duty. He shall have the right to enter on any lands abutting said work, and to take men,
8 teams and implements to assist him. Any damage necessarily caused by such entrance or
9 while doing said work shall be audited by the board of supervisors and paid out of the fund
10 for keeping said work in repair. He shall be paid for his services and necessary expenditures
11 in like manner.

SEC. 8. When any ditch, drain or improvement of water course which has been or may
2 hereafter be constructed, shall be found to cause a damage to other lands, either by bringing
3 an excess of water on those lands, more than would naturally have come, or by bringing an
4 excess of water at times when the streams or water courses thereon have not sufficient capacity

5 to receive and convey this excess, but which would be able to receive and convey the same if
6 left to come naturally, then and in that case the lands benefited by the original ditch, drain
7 or improvement of water course, shall not be exempt from paying an equitable proportion of
8 the expense of constructing such work as may be necessary to relieve the lands so damaged
9 from such unnatural excess of water.

SEC. 9. Any two or more ditches, drains or improvement of water course, constructed in
2 pursuance of different petitions and forming one continuous water course, may be united as
3 one work and placed under the care of one supervisor.

SEC. 10. Any such work constructed under the authority of the township trustees may, by
2 a petition of the proprietors having a majority of the interest in said work, be placed in care
3 of the board of supervisors, who shall have the same jurisdiction and authority as though
4 said work had been originally constructed by them.

SEC. 11. All acts and parts of acts inconsistent with this, are hereby repealed.