

1 SEC. 8. Nothing contained in chapter three hundred fifty-two-A  
2 one (352-A1), code, 1931, as amended by this act, shall be deemed to  
3 prevent the refunding of any warrants heretofore or hereafter issued  
4 under the provisions of this chapter.

1 SEC. 9. All acts or parts of acts in conflict herewith are hereby re-  
2 pealed.

1 SEC. 10. If any section, subsection, sentence, or phrase of this act  
2 is for any reason held to be unconstitutional and/or invalid such de-  
3 cision shall not affect the validity of the remaining portions of this act.  
4 The legislature hereby declares that they would have passed this act  
5 and each section, subsection, clause, sentence, and phrase, irrespective  
6 of whether any one or more of the sections, subsections, clauses, sen-  
7 tences, or phrases shall be declared unconstitutional.

1 SEC. 11. This act is deemed of immediate importance and shall be  
2 in full force and effect from and after its publication in the Eagle  
3 Grove Eagle, a newspaper published at Eagle Grove, Iowa, and the  
4 Wright County Monitor, a newspaper published at Clarion, Iowa.

House File 85. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle, May  
2, 1935, and the Wright County Monitor, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 88

### DRAINAGE DISTRICTS. PURCHASE OF TAX-SALE CERTIFICATES

#### S. F. 249

AN ACT to amend section seventy-five hundred ninety-c one (7590-c1), code, 1931, relat-  
ing to the purchase of tax-sale certificates in drainage districts.

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

1 SECTION 1. That section seventy-five hundred ninety-c one (7590-  
2 c1), code, 1931, be and the same is hereby amended by adding thereto  
3 the following:

4 "In any event where upon the request of the holder of any bond or  
5 bonds issued by any drainage district the board of supervisors shall  
6 fail, neglect or refuse to purchase the certificate of sale issued by  
7 the county treasurer and referred to in this section in manner and  
8 form as permitted by this section, the holder of such bond or bonds  
9 may, upon filing with the county auditor a sworn statement as to the  
10 making of such written request upon the board of supervisors and a  
11 recital of the failure of such board to act in the premises by comply-  
12 ing with the provisions of this section, in the same manner and form  
13 purchase such certificate and the ownership thereof shall thereupon  
14 vest in such holder of such bond or bonds in trust for said drainage  
15 district or subdistrict, provided, however, that the holder shall have  
16 a lien upon said certificate and any beneficial interest arising there-  
17 from for his actual outlays including his reasonable expenses and  
18 attorney's fees, if any, incurred in the premises. In the event any such  
19 holder of any bond or bonds shall acquire title he shall have a right to  
20 lease or convey said premises, upon giving thirty days' written notice

21 to the board of supervisors by filing the same with the county  
 22 auditor and in the event said board shall not approve said lease or sale,  
 23 the same shall be referred to the district court of the county where  
 24 the land is situated and there tried and determined in the manner pre-  
 25 scribed in section seventy-five hundred ninety-c one (7590-c1), code,  
 26 1931. Any funds realized from the lease or sale of said land shall be  
 27 first applied in extinguishing the lien of the holder of the certificate  
 28 herein provided for and the balance shall be paid to the said drainage  
 29 bond fund of said district."

1 SEC. 2. This act being deemed of immediate importance shall take  
 2 effect and be in force from and after its publication in the Daily Times  
 3 and The Davenport Democrat, newspapers published in Davenport,  
 4 Iowa.

Senate File 249. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Davenport Daily Times  
 and the Davenport Democrat, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 89

### DRAINAGE OR LEVEE DISTRICTS. ABANDONMENT AND DISSOLUTION

#### S. F. 297

AN ACT to provide for the abandonment and dissolution of drainage or levee districts  
 in certain cases; to provide procedure for same; to provide for appeal from order  
 of board for same and to provide for payment of expense of same and refund of  
 any balance; to provide for sale of property and distribution of proceeds and to  
 provide for abandonment of rights of way.

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

1 SECTION 1. Jurisdiction to abandon and dissolve. When any drain-  
 2 age or levee district is free from indebtedness and it shall appear that  
 3 the necessity therefor no longer exists or that the expense of the con-  
 4 tinued maintenance of the ditch or levee is in excess of the benefits  
 5 to be derived therefrom, the board of supervisors or board of trustees,  
 6 as the case may be, shall have power and jurisdiction, upon petition  
 7 of a majority of the land owners, who, in the aggregate, own sixty  
 8 per cent of all land in such district, to abandon the same and dissolve  
 9 and discontinue such districts.

1 SEC. 2. Notice of hearing. Upon the filing of such petition the  
 2 board shall enter an order fixing the date for hearing thereon not less  
 3 than forty days from the date of the filing thereof and shall enter an  
 4 order directing the county auditor, if such district is under the con-  
 5 trol of the board of supervisors, or the clerk of the board, if under  
 6 the control of a board of trustees, to immediately cause notice of hear-  
 7 ing thereon to be served on the owners of lands in such district as may  
 8 then be provided by law in proceedings for the establishment of a  
 9 drainage or levee district.

1 SEC. 3. Hearing on petition. At the time set for hearing on said  
 2 petition the board shall hear and determine the sufficiency of the pe-  
 3 tition as to form and substance, which petition may be amended at any