

or investor over any other member or investor of the same class, or if beneficiaries are selected or determined or advantages given one over another by any form of chance, lottery or hazard, or if certificates of stock are by their terms or by any other provision to be redeemed in numerical order or by any arbitrary order or precedence, without reference to the amount previously paid thereon by the holder thereof, or that the affairs are in an unsound condition, or if such association refuses such examination to be made, the auditor of state may revoke its certificate or [of] authority to do business in this state, and having revoked the certificate of authority of an association organized under the laws of this state, he shall report the same to the attorney-general, who shall proceed as provided in section five (5) hereof.

SEC. 10. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader", and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, May 3, 1904, and the Register and Leader, May 4, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 67.

LEVEES, DRAINS, DITCHES AND WATER COURSES.

S. F. 15.

AN ACT relating to levees, drains, ditches and water courses, and to the apportionment, assessment, levy, reassessment, reley and collection of taxes therefor, and issuance of drainage bonds, and to amend section one thousand nine hundred and forty-six (1946) of the code.

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

SECTION 1. Notice of hearing. That section one thousand nine hundred and forty-six (1946) of the code be and it is hereby amended by striking out the semicolon immediately following the word "supervisors" in the sixteenth line of said section, and inserting immediately following said word and before the word "which" in said sixteenth line the following: "and file the same with the county auditor who shall immediately thereafter fix a time for hearing objections thereto before the board of supervisors, and cause to be served upon the owner of each tract of land or lot described in said report as shown by the transfer books in the auditor's office notice in writing of the filing and pendency of said report, the amount of special assessment apportioned to such owner, the day set for hearing the same, and that all objections thereto must be made in writing and filed with the county auditor on or before noon of the day set for such hearing, which notice as to residents of the county shall be served not less than ten days prior to the day set for such hearing in the same manner that original notices are required to be served and as to non-residents of the county such notice shall be served by publishing the same one [once] each week for two consecutive weeks the last publication not less than ten days prior to the day set for hearing in some newspaper published in the county and by serving the same upon the person or persons in the actual occupancy of the property not less than ten days prior to the day set for such hearing. When the day set for hearing has arrived the board of supervisors shall proceed to hear and determine all objections made and filed to said report, and may increase, diminish, annul or affirm the apportionment made in said report or any part thereof as may appear to the board to be just and equitable".

SEC. 2. Proceedings now pending. That said section one thousand nine hundred and forty-six (1946) of the code as amended by section one

(1) hereof shall be construed to apply to all proceedings now pending before boards of supervisors for the location and construction of levees, drains, ditches or water courses under the provision of chapter two (2) title ten (X) of the code where the apportionment, assessment or levy of the cost of the improvement has not yet been made as well as to proceedings instituted hereafter.

SEC. 3. Re-assessment and relevy. Where the assessment and levy on account of any ditch, drain or water course has been made by the board of supervisors of any county under the provisions of said section one thousand nine hundred and forty six (1946) of the code without notice or legal notice to the owner of the land affected thereby and the whole or any part thereof remains unpaid, the board of supervisors shall have the authority to recall the assessment or levy thus made without notice and proceed anew as provided in section one (1) hereof to apportion and levy the cost of such improvement among the owners and upon the land benefited thereby, taking as a basis the original apportionment, and report of the commissioners upon which the board had theretofore acted, and the new assessment and levy made upon notice and hearing in such cases shall be certified by the county auditor to the county treasurer, re-entered upon the tax list and collected as other taxes for county purposes, and all payments made under the prior assessment, and levy shall be credited upon the new assessment and levy.

SEC. 4. Completion and payment of work already begun. When any levee, ditch, drain, water course or change of water course shall have been heretofore established by any of the boards of supervisors of this state and contract or contracts let therefor, and the improvement wholly or partly constructed or drainage bonds issued on account thereof and the proceedings or tax therefor have been or shall be for any cause found invalid and the board of supervisors has found or shall find that such improvement will be conducive to the public health, convenience or welfare, such board is authorized to provide for the completion of the work and the payment therefor, and for the payment of the work already done and of the drainage bonds issued and to that end shall recall the tax theretofore levied and shall reascertain the cost and expense of such improvement, and after notice and hearing as provided in this act shall assess and levy the same upon the lands benefited thereby, and the said board and the other county officers shall proceed as provided by section three (3) and the other provisions of this act. Such re-assessment and relevy of taxes shall be in proportion to and not in excess of benefits, and all taxes theretofore paid upon such improvement shall be credited as provided in section three (3) of this act.

SEC. 5. Future levies. Such assessment shall fix the proportion for all future levies on account of such improvement or the repair or re-opening thereof, and may be levied in one year or apportioned among a series of years, and drainage bonds issued therefor as provided by section one thousand nine hundred and fifty-three (1953) of the code, and appeals may be taken as provided by section one thousand nine hundred and forty-seven (1947) of the code.

SEC. 6. Drainage bonds. Section one thousand nine hundred and fifty-three (1953) of the code shall be construed to apply to and authorize the issuance of drainage bonds in proceedings heretofore or hereafter instituted under section one thousand nine hundred and forty (1940) of the code.

SEC. 7. In effect. This act, being deemed of immediate importance, shall take effect from and after its publication in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published at Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, May 3, 1904, and the Register and Leader, May 4, 1904.

W. B. MARTIN.
Secretary of State