

and appropriated for the purchase of real estate and the erection of a building or buildings thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness; and shall cause the same to be certified to the city council, which shall levy such tax or so much thereof as it may deem necessary to promote library interests for each of said purposes so determined and fixed, and certify the percentum thereof to the county auditor, with the other taxes for said year."

SEC. 2. **Repealed—library tax.** That chapter thirty-eight (38) of the laws of the Thirtieth General Assembly be and the same is hereby repealed and the following enacted in lieu thereof:

"4. In cities and towns which have established, or may hereafter establish, a free public library when the trustees of such library have made the certificate provided for in section one hereof, a tax in the amount so certified, but not exceeding in any one year three mills on the dollar in all cities and incorporated towns having a population of not more than six thousand (6000), and not exceeding in any one year two mills on the dollar in all other cities, to be used for the maintenance of such library; and in such cities and towns an additional tax not exceeding in any one year three mills on the dollar, for the purchase of real estate and the erection of a building or buildings thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness."

Approved March 30, A. D. 1906.

CHAPTER 22.

CONSTRUCTION AND MAINTENANCE OF HOSPITALS IN CERTAIN CITIES.

H. F. 331.

AN ACT providing for the creation of a hospital board in cities having a population over twelve thousand five hundred, and providing for the construction and maintaining of a hospital therein, and authorizing the creation of an indebtedness therefor and the levy of a tax upon the property in such cities for the payment of said indebtedness, and providing certain conditions under which an indebtedness for this purpose may in cities of the second class exceed one and one-fourth per centum of the actual valuation of property in such cities. [Additional to chapter four (4) of title five (V) of the code, relating to general powers of cities and towns.]

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

SECTION 1. **Hospital trustees.** Cities having a population of over twelve thousand five hundred may by ordinance provide for the election at a general or special election of three hospital trustees, whose terms of office shall be six years, one to be elected each even numbered year, but at the first election three shall be elected and hold their office, respectively, for two, four and six years, and who shall by lot determine their respective terms.

SEC. 2. **Hospital board—organization—officers—duties.** The said trustees shall within ten days after their election, qualify by taking the oath of office and organize as a hospital board, by the election of one of their number as chairman and one as secretary, but no bond shall be required of them. They shall also elect a treasurer not one of their number who shall give bonds in the sum of twenty-five thousand dollars, the penalty of which may be increased by the board. The treasurer shall receive and pay out all the moneys under the control of the said board as ordered by it, but shall receive no compensation for his services. No commissioner shall receive any compensation for his services performed, but he may receive reimbursement for any cash expenses actually made for personal expenses incurred as such trustee, but an itemized statement of all such expenses

and moneys paid out shall be made under oath by each of such trustees and filed with the secretary and allowed only by the affirmative vote of the full board. Said board of trustees shall be vested with authority to provide for the management, control and government of such city hospital and shall provide all needed rules and regulations for the economic conduct thereof. In the management of said hospital no discrimination shall be made against practitioners of any school of medicine recognized by the laws of the state of Iowa.

SEC. 3. Question submitted—tax—how levied and collected—hospital fund. The council of such city may by resolution submit to the qualified electors of the same at a regular or special election, the question whether there shall be levied upon the assessed property thereof a tax not exceeding three mills on the dollar in cities having a population of over twenty-two thousand not exceeding two mills on the dollar in cities having a population of over twelve thousand five hundred and less than twenty-two thousand, for the purchasing of real estate for hospital purposes, and for the construction of such hospital and for maintaining the same, or for either or all of such purposes. The said proposition shall be submitted in the manner provided for similar propositions in the chapter on elections. The council shall in the resolution ordering such election, specify the rate of taxation proposed and the number of years the same shall be levied not exceeding (15) fifteen years. If a majority of the votes cast at such election on the proposition so submitted shall be in favor of the proposition for taxation the council shall levy the tax so authorized which shall be collected and paid over to the treasurer of such hospital board in the same manner as other taxes are collected. Such taxes shall be known as a "hospital fund" and shall be paid out on the order of the trustees for the purposes authorized by this act and for no other purpose whatever.

SEC. 4. Bonds. Whenever any city having a population of over twelve thousand five hundred shall by ordinance provide for the election of hospital trustees, and has voted a tax for a term of years not exceeding (15) fifteen years, for hospital purposes as authorized by law, the said city may issue bonds in the name of such city in anticipation of the collection of such tax in such sums and amounts as the city council thereof may deem necessary for the purposes contemplated by such tax, but such bonds in the aggregate shall not exceed the amount which might be realized by said tax based on the amount which may be yielded on the property valuation in the year in which the tax is voted, and such bonds shall mature in fifteen years from date, and shall be in sums of not less than one hundred, nor more than one thousand, dollars, bearing interest at a rate not exceeding five per cent. per annum, payable annually or semi-annually; said bonds may be payable at pleasure of city after five years and shall not be sold for less than par. Said city, after the issuance of any such bonds shall each year for 10 years before the maturity thereof, set aside out of the tax levied by it a sum equal to one-tenth of the principal thereof, which sum shall be applied after five years from date of issue in payment of the principal whenever the amount on hand shall be sufficient to pay one or more of said bonds and each of said bonds shall provide that it is subject to this condition.

SEC. 5. Condemnation proceedings. If the board of hospital trustees and the owners of any property desired by them for hospital purposes cannot agree as to the price to be paid therefor, the city council of said city shall cause the same to be condemned in the manner provided for taking land for public purposes by cities.

SEC. 6. Jurisdiction of cities over hospital lands. The jurisdiction of such cities and towns shall extend over all lands used for hospital purposes without the corporate limits if so located, and all ordinances of such cities and towns shall be in full force and effect in and over the territory occupied by such hospitals.

SEC. 7. Appropriation for improvements and maintenance. In cities exercising the rights by this act, the council may appropriate each year, not exceeding five per cent. of its general fund for the improvement and maintenance of any hospital so established.

SEC. 8. Indebtedness. Cities of the second class shall be allowed to become indebted for the purposes provided in this act to an amount aggregating with all other indebtedness of the said city, in a sum not exceeding two and one-half per centum of the actual value of the property within said city, to be ascertained by the last state and county tax list previous to the incurring of such indebtedness, provided that before an indebtedness shall be contracted in excess of one and one-fourth per centum of the actual value of the taxable property ascertained as provided in section two of chapter 41 as found in section 1306-b of the supplement to the code, a petition signed by a majority of the qualified electors of such city shall be filed with the council of such city, asking that an election shall be called, stating the purposes for which the money is to be used and that the said hospital cannot be purchased, built or maintained within the limit of one and one-fourth per centum of valuation of the taxable property of such city. If two-thirds of all the electors voting at such election, vote in favor of such indebtedness at such election, the council of such city shall issue the bonds as provided in this act to the limit as herein provided.

SEC. 9. In effect. This act, being deemed of immediate importance, shall be in force from and after its publication in the Register and Leader and in the Des Moines Daily Capital, newspapers published in the city of Des Moines.

Approved April 9, A. D. 1906.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital April 13, 1906 and the Register and Leader, April 16, 1906.

W. B. MARTIN,
Secretary of State.

CHAPTER 23.

PURCHASE AND CONSTRUCTION OF WATERWORKS.

S. F. 124.

AN ACT to amend the law as it appears in section seven hundred and forty-five (745) of the supplement to the code, relating to the purchase or erection of water works by cities and conferring additional powers with reference thereto.

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

SECTION 1. Additional powers for cities of first class. The law, as it appears in section seven hundred and forty-five (745) [of] the supplement to the code, is hereby amended by adding thereto the following:

"Cities of the first class which have adopted or may adopt an ordinance availing themselves of the privileges conferred herein, shall in addition thereto have and possess the following powers:

A—In addition to mortgage on the water plant to secure the bonds hereinafore authorized, the said city may in addition to the security of said mortgage and as a part thereof, grant a franchise to maintain and operate said plant on foreclosure sale under said mortgage, said franchise to become effective only on the passing of title under the said foreclosure sale and to continue for a period of not exceeding twenty-five (25) years thereafter, providing that the granting of such franchise shall be approved by a majority of the electors of said city, voting at an election thereon, which election shall be held as provided in section seven hundred and forty-six (746), supplement of the code.

B—They shall have power to issue the general bonds of the city creating an indebtedness of said city to an amount which, with its other existing