

CHAPTER 169.

AID IN CONSTRUCTION OF ELECTRIC RAILROADS OR ELECTRIFICATION OF STEAM RAILROADS.

S. F. 546.

AN ACT to enable benefitted property to aid in the construction of trolley or electric railroads or the electrification of steam railroads, being additional to chapter five (5) of title ten (10) of the code, as amended.

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

SECTION 1. **Tax levy.** Taxes not exceeding five per cent on the assessed value of the real property of any district or territory contiguous to any projected trolley or electric railroad, or to any steam railroad which it is proposed to electrify, may be levied to aid in the construction of such projected trolley or electric railroad, or in the electrification of such steam railroad, within the state, as hereinafter provided.

SEC. 2. **Benefitted property—petition—proposition submitted—election—taxes—how collected.** When it is proposed to construct any trolley or electric railroad, or to electrify any steam railroad, and a petition definitely describing any district or territory contiguous to and within five miles of the line of such railroad or proposed railroad, signed by a majority of the resident freehold tax payers, of such district or territory, asking that the question of aiding in the construction or electrification of such railroad or proposed railroad within such district or territory, be submitted to the voters thereof, is presented to the board of supervisors of the county in which such district or territory is situated, it shall be the duty of such board of supervisors immediately to give notice of a special election by publication in some newspaper published in such district or territory, if any there be, and if not, then in some newspaper published in the county, and also by posting copies of said notices in five public places in such district or territory at least ten days before such election, which shall state the time and place of holding the same, the name of the company and the line of the road proposed to be added, the rate per cent of the tax to be levied; whether one half thereof shall be collected the first year and one half the following year, or whether the whole is to be collected in one year, the amount of work required to be done, and when and where the same shall be done, to what point said railroad shall be fully completed, and any other conditions which shall be performed before such tax or any part thereof shall become due, and in no case shall such tax become due until such railroad is fully completed according to the conditions of said notice. The board of supervisors shall cause to be prepared the form of the proposition to be submitted, and the proposition shall be printed and placed upon the ballots, and the board of supervisors shall appoint the judges and clerks of election, and the election shall be conducted in the same manner as provided with respect to like or similar propositions in the chapter on elections, and the judges of election shall canvass the vote and make return to the county auditor, and if a majority of the votes polled be for the adoption of the proposition, then the county auditor shall forthwith certify to the result thereof, rate per cent of the tax voted, the year or years during which the same is to be collected, the name of the company to which voted, and the time, terms and conditions upon which the same when collected is to be paid under the conditions and stipula-

tions in said notice, together with an exact copy of the notice under which the election was held, which the county auditor shall at once cause to be recorded in the office of the recorder of deeds. The expense thereof and of publishing the notice and all the expenses of the election shall be paid by the railway company to which it is proposed to vote the tax. When such certificate has been made and recorded the board of supervisors of the county shall at the time of levying the ordinary tax next following, levy such taxes as are voted under the provisions hereof as shown by said certificate, and cause the same to be placed on the tax lists of the proper township, town or city, indicating in their order thereupon when and in what proportion the same are to be collected, and upon what conditions the same are to be paid to the railway company, a certified copy of which shall accompany the tax list. The taxes shall be collected at the time or times specified in the order and in the same manner and subject to the same laws after they are collectible as other taxes, or as may be stated in the petition and notice for the election, except as otherwise provided; provided however, that such tax shall only be levied upon the real property within such district or territory. The stipulations and conditions in the notice prescribed in this section must conform to those set forth in the petition asking for the election, and the aggregate amount of taxes voted in any such district or territory shall not exceed five per cent of the assessed value of the real property therein.

SEC. 3. What statutes apply. The provisions of sections 2087, 2090 and 2091 of the supplement to the code, 1907, are hereby made applicable to all taxes levied under the provisions of this act.

SEC. 4. Aid given only to owners unless approved by railroad commissioners. No tax shall be levied to aid in the electrification of any steam railway for the benefit of any person, firm, or individual, who is not the owner in fee simple of said steam railway, unless with or prior to the presentation of the petition to the board of supervisors asking for said election, the agreement between the person, firm, or corporation proposing to electrify said steam railway, and the owner of said steam railway for its electrification and use, has been presented to the board of railway commissioners, and its duration, terms and conditions found suitable by said board, and said approval made a matter of record in the proceedings of said board of railway commissioners, and certified to such board of supervisors.

SEC. 5. Tax levy—limitation. The real property upon which such tax shall have been levied shall not be subjected to taxes in aid of railroads, including such tax, to exceed five percentum of the assessed value of said real property, for a period of ten years after said levy.

SEC. 6. In effect. This act being deemed of immediate importance, shall take effect and be in full force from and after its publication in the Register & [and] Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 18 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader April 25, 1913 and in the Des Moines Capital April 23, 1913.

W. S. ALLEN,
Secretary of State.