

6 five hundred thirty-four (2534), two thousand five hundred thirty-
 7 six (2536), two thousand five hundred thirty-eight (2538), two thou-
 8 sand five hundred thirty-eight-d (2538-d), two thousand five hun-
 9 dred thirty-eight-q (2538-q) of the supplement to the code, 1913,
 10 and all other acts or parts of acts in conflict with this act are hereby
 11 repealed.

1 **SEC. 21. Publication clause.** This act, being deemed of immediate
 2 importance, shall take effect and be in force, from and after its passage
 3 and publication in the Cedar Rapids Republican and the Des Moines
 4 Capital, newspapers published at Cedar Rapids and Des Moines, Iowa,
 5 respectively.

Approved April 22, A. D. 1919.

I hereby certify that the foregoing act was published in the Cedar Rapids Republican
 April 26, 1919 and in the Des Moines Capital April 29, 1919.

W. S. ALLEN, *Secretary of State.*

CHAPTER 288.

POWERS OF CITIES RELATING TO WATERWORKS.

H. F. 526.

AN ACT to confer additional powers on cities now or hereafter having a population of
 one hundred thousand (100,000) inhabitants or over, including cities acting under the
 commission plan of government, relating to waterworks.

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

1 **SECTION 1. Waterworks — power of cities to own, lease, etc. —**
 2 **election, etc.** That all cities now or hereafter having a population of
 3 one hundred thousand (100,000) inhabitants or over, including cities
 4 acting under the commission plan of government, shall have the power
 5 to own, construct, erect, establish, acquire, purchase, maintain and
 6 operate a waterworks within their corporate limits, and extensions
 7 thereto for not more than ten miles beyond such limits, with all of
 8 the necessary appurtenances, real estate, buildings, galleries, mains,
 9 pipes, power plants, or systems, and lease as lessor or sell the same
 10 or any part thereof, and such city shall also have power to acquire,
 11 own and sell the negotiable bonds or other evidences of indebtedness
 12 of such waterworks; provided, however, no such waterworks shall be
 13 constructed or purchased, nor when once acquired be leased or sold
 14 until the construction, purchase, leasing or selling of such water-
 15 works shall have been approved by a majority of the legal voters of
 16 such city voting thereon at a general election, city election, or at a
 17 special election called for that purpose, and in no event shall such
 18 waterworks when once acquired be leased by such city, as lessor, for
 a period longer than twenty-five (25) years.

1 **SEC. 2. Franchises, contracts, etc. — powers of city.** In the exer-
 2 cise of any of the powers herein granted any such city is given the
 3 power to acquire, take and hold any or all necessary property of the

4 character specified in the preceding section, including existing fran-
5 chises or contracts, either by purchase or condemnation proceedings
6 in accordance with the provisions of chapter 10, title V, of the code,
7 and amendments thereto, except that in such condemnation proceed-
8 ings the value of the property shall be determined as provided in chap-
9 45, acts of the 33rd general assembly, and amendments thereto.

SEC. 3. Acquisition of waterworks — special tax levy — limit of
1 indebtedness. For the purpose of acquiring such waterworks either
2 by purchase, condemnation or construction, and from time to time
3 making permanent extensions thereof, additions to and betterments
4 of the same and of the power plants and equipment, including the
5 acquisition of additional real estate, any such city may borrow money
6 and may issue its negotiable bonds therefor. It shall have the power
7 to levy upon all the taxable property within the corporate limits of
8 said city for said purposes in addition to all other taxes now provided
9 by law a special tax not exceeding in any one year five (5) mills on
10 the dollar, for a period of years not exceeding fifty (50), and such
11 cities may for the purpose of purchasing, erecting, maintaining and
12 operating waterworks incur an indebtedness not exceeding in the
13 aggregate added to all other indebtedness five (5) per centum of the
14 actual value of the taxable property within such city. The amount
15 of such taxable property to be ascertained by the last state and
16 county tax lists previous to the incurring of such indebtedness.

SEC. 4. Public service bonds — when due and payable, etc. Any
2 such city desiring to own, construct, erect, acquire, purchase, estab-
3 lish and maintain such waterworks may issue bonds in anticipation
4 of the special tax authorized in the preceding section. Such bonds
5 shall be known as public service bonds, and said bonds and interest
6 thereon shall be secured by said assessment and levy and (unless
7 otherwise paid out of the surplus income derived from the operation
8 of the waterworks) shall be payable only out of the proceeds thereof
9 pledged to the payment of the same, and shall be issued and sold in
10 accordance with the provisions of chapter 12, title V, of the code and
11 acts amendatory thereto, including chapter 7 of the acts of the 37th
12 general assembly, except as herein otherwise provided. In issuing
13 such bonds, the city council may cause portions of the same to become
14 due at different definite periods, but none of such bonds so issued shall
15 be payable more than fifty (50) years from their date. It shall be
16 the duty of the city treasurer to collect and receive said tax and to
17 hold the same separate and apart in trust for the payment of said
18 bonds and interest, and to apply the proceeds of said tax pledged for
19 that purpose to the payment of said bonds and interest. Said bonds
20 shall be issued in sums of not less than one hundred (\$100.00) dollars
21 nor more than one thousand (\$1000) dollars, each running not more
22 than fifty (50) years, and bearing interest not exceeding five (5) per
23 cent per annum, payable semi-annually.

SEC. 5. Public service certificates — city may issue — ordinance,
1 etc. Every such city may issue interest bearing public service cer-
2 tificates to provide for the acquisition, extension or improvement of
3 any waterworks property or equipment. Such certificates shall in no
4 case become an obligation of the city or be payable out of any general
5 fund, but shall be payable solely out of a sinking fund representing a
6 specific portion of the income derived from the waterworks on account

7 of which they were issued, and such certificates may be issued as
 8 aforesaid to an amount ten per cent (10%) in excess of the cost of any
 9 such extensions, improvements, waterworks property, or equipment,
 10 on account of which such certificates are issued. No ordinance pro-
 11 viding for the issuance of such certificates shall be effective until
 12 there be filed with the city clerk, prior to the adoption of such ordi-
 13 nance, the recommendation of the waterworks trustees for the issu-
 14 ance of such certificates.

1 **SEC. 6. Sinking fund — power of city to provide.** Every such
 2 city shall have the additional power to provide, by ordinance, for a
 3 sinking fund to be derived from the earnings of any waterworks
 4 acquired by it pursuant to the terms of any ordinance, contract, or
 5 other regulation.

1 **SEC. 7. City as owner — duty of council — waterworks trustees**
 2 **— term — salary.** Whenever any such city becomes the owner of a
 3 waterworks it shall be the duty of the city council, unless the same
 4 has already been done by prior action of the council, to forthwith by
 5 ordinance on the nomination of the mayor, elect and appoint a board
 6 of waterworks trustees for such waterworks consisting of five resident
 7 voters who shall hold office: one until the first Monday in April of the
 8 second year after his oppointment; two until the first Monday in
 9 April of the fourth year after their appointment; and, two until the
 10 first Monday in April of the sixth year after their appointment; pro-
 11 vided, such waterworks has not been sooner leased or sold as provided
 12 in section one hereof, in which event the term of office of each of the
 13 members of said board shall be held to have expired. In case said
 14 property is neither leased nor sold, then each succeeding council shall
 15 as soon as practicable after organizing appoint a member or members
 16 of the board, as the case may be, for a term of six years, who shall
 17 take the place of the members of the board whose term of office
 18 expires. The chairman of said board shall be selected and named by
 19 a majority vote of the members thereof, and for such term as the
 20 board may determine. No person shall be eligible for appointment
 21 on the board while he holds or is a candidate for, or has within one
 22 year held any other salaried federal, state, county or city office, or
 23 salaried federal or municipal position. This shall not apply to any
 24 officer or soldier in the United States Army, or to any officer or sailor
 25 of the United States Navy. Three of said members shall constitute
 26 a quorum to transact business. The council may, after a hearing and
 27 upon ten days' written notice, remove any of the members of said
 28 board during their term of office for cause by a vote of four members
 29 of the council in favor of such removal, and shall fill any vacancy that
 30 may occur in such board for the unexpired term, and each member
 thereof shall receive such salary as the council may determine.

1 **SEC. 8. Trustees — oath — bond, etc.** Each member of the board
 2 of waterworks trustees shall qualify by taking the oath as provided
 3 by section one hundred seventy-nine (179) of the code. An official
 4 bond in the sum of five thousand (\$5,000) dollars shall be required of
 5 each member of said board before he enters upon the duties of his
 6 office, conditioned as provided by law, signed by sureties to be approved
 7 by the council, and when so approved said bond shall be filed in the

8 office of the city clerk. No member of said board shall be eligible to
9 any lucrative office in the city or state during his term of service.

1 **SEC. 9. Trustees — supervision and responsibility.** The board of
2 waterworks trustees shall have supervision over and be responsible
3 to the city council for all details of administration and operation of
4 said waterworks, the board to determine all questions of engineering,
5 mechanical and operating details, and report to the council, at such
6 stated periods as the council may determine, all information necessary
7 for its guidance in deciding questions of public policy pertaining to
8 the service.

SEC. 10. Board of trustees — duties as to records, accounts, etc.
1 The board shall immediately after its organization make and prescribe
2 all the necessary rules for the government of the waterworks, and
3 prescribe the form of records and the kind of accounts to be made and
4 kept in the operation of such waterworks. It shall institute and
5 require the keeping of a uniform and perfected system of accounts
6 and requisitions showing the purchase, storing and use of materials
7 for operation, construction and other purposes. Said accounts shall
8 be kept distinct and separate from other city accounts, and in such
9 manner as to show the true and complete financial results of the
10 operation of said waterworks. The board shall at least twice a year
11 cause to be prepared and printed for public distribution a full and
12 complete financial report. The account of such waterworks shall be
13 examined at least once a year by an expert accountant selected by the
14 city council.

1 **SEC. 11. Board of trustees — determination of rates.** The board
2 of waterworks trustees in all such cities owning and operating a
3 waterworks under this act shall determine the rates to be charged for
4 water. Such rates shall be fixed so as to produce sufficient amount
5 to cover:
6 1. Interest on the entire investment at the rate paid by the city
7 on its waterworks bonded debt.
8 2. The cost of insurance against loss by accidents of all kinds.
9 3. The cost of impairment of investment by reason of deprecia-
10 tion.
11 4. The cost of all material used.
12 5. The cost of all operating expenses, including salaries and wages
13 paid.
14 6. All other expenses.
15 7. A sufficient annual provision for a sinking fund to fully pay at
16 maturity all bonds and certificates which by their terms are payable
17 out of the special tax provided for in section one, or out of the earn-
18 ings of the property purchased under the powers herein granted.

1 **SEC. 12. Waterworks bonds — power of cities — interest.** In
2 addition to all the powers hereinbefore granted such cities shall have
3 the right to mortgage or bond such waterworks and pledge the net
4 revenues thereof to secure the payment of the purchase price, and
5 the extension and improvement thereof, but no part of the general
6 fund of such cities shall be applied upon such contracts, bonds or
7 mortgages. In the payment of the securities authorized to be issued
8 by this section the city and holders thereof shall be restricted to the

9 property mortgaged and the net revenues thereof, and such contract
10 or bonds and all other bonds or certificates issued under this act shall
11 not bear a higher rate of interest than five (5) per cent per annum
12 payable semi-annually.

1 **SEC. 13. Water service — free or favored rate prohibited — pen-**
2 **alty.** It shall be unlawful for the board or any person to give or
3 receive free water service, or to give or receive water service at a
4 more favorable rate than that accorded to the general public. Any
5 person or persons violating, either directly or indirectly, the provi-
6 sions of this section shall upon conviction be punished by a fine of not
7 less than three hundred (\$300.00) dollars or sixty (60) days in jail
for each and every offense.

1 **SEC. 14. Rules as to extension of mains — power to lease water-**
2 **works.** The board of waterworks trustees shall establish such rules
3 regarding the extension of mains as in its belief will inure to the
4 greatest benefit of the city, and shall avoid granting special favors
5 in the extension of mains by requiring property owners when neces-
6 sary to make certain guarantees or to pay certain sums to cover the
7 cost of unprofitable extensions. The power to lease the waterworks
8 or any part thereof shall be exercised by the city council only upon
approval of the board of waterworks trustees.

1 **SEC. 15. Political or other influence prohibited — violation — mis-**
2 **demeanor.** Any member of said board of waterworks trustees or any
3 employe of such city who is employed in any of the departments of
4 said waterworks who by solicitation or otherwise, shall exert his influ-
5 ence, directly or indirectly, to influence other officers or employes of
6 such city to adopt his political views or to favor any particular person
7 or candidate for office, or who shall in any manner contribute money,
8 time, labor, or other valuable thing to any person for election pur-
9 poses, and any member of the city council who shall, by solicitation
10 or otherwise, exert his influence directly or indirectly to influence
11 said board or any member thereof, in the hiring or discharging of any
12 employe or employes of said waterworks shall be guilty of a misde-
13 meanor and upon conviction shall be punished by a fine not exceeding
14 one thousand (\$1,000) dollars, or by imprisonment in the county jail
not exceeding six (6) months.

1 **SEC. 16. Diverting income — embezzlement — punishment.** Any
2 member of the board of waterworks trustees or any member of the
3 city council, or any other person who shall while there are outstand-
4 ing obligations against said waterworks, divert or attempt to divert
5 any of the income derived from the operation of the said waterworks
6 by the city for any purpose than that of maintaining, improving,
7 extending or paying the obligations of said waterworks, shall be held
8 to be guilty of embezzlement and punished accordingly.

1 **SEC. 17. Bonds, etc., exempt from taxation.** All bonds and cer-
2 tificates issued under this act shall be exempt from taxation as pro-
3 vided in section thirteen hundred and four (1304) of the supplement
4 to the code, 1907, as amended by chapter eighty-one (81) acts of the
5 thirty-third general assembly.

1 **SEC. 18. Rate-making power — construction of act.** Nothing
2 herein shall be held to repeal sections 724 and 725 of the 1913 sup-

3 plement to the code, said sections, however, so far as the rate making
 4 power is concerned, shall not apply to the operation of waterworks
 5 constructed or purchased under the provisions of this act. In all
 6 other respects this act shall be construed as granting additional power
 7 without limiting the power already existing in cities of the first class
 8 with a population of one hundred (100,000) thousand or over.

1 . SEC. 19. **Publication clause.** This act being deemed of immediate
 2 importance shall be in full force and effect from and after its passage
 3 and publication as provided by law in the Plain Talk and The Des
 4 Moines Register newspapers published at Des Moines, Iowa, said pub-
 5 lication to be without expense to the state.

Approved April 22, A. D. 1919.

I hereby certify that the foregoing act was published in the Des Moines Register April
 26, 1919 and in the Plain Talk May 1, 1919.

W. S. ALLEN, *Secretary of State.*

CHAPTER 289.

CARE AND COMFORT OF IOWA'S SOLDIERS, SAILORS AND MARINES.

H. F. 347.

AN ACT making an appropriation for the care and comfort of Iowa's returning soldiers
 and sailors.

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

1 SECTION 1. **Iowa's returning soldiers, etc. — appropriation.** There
 2 is hereby appropriated out of any unexpended balance of the fund
 3 appropriated by chapter two hundred seven (207) of the laws of the
 4 thirty-seventh general assembly for war purposes, the sum of twenty-
 5 five thousand dollars (\$25,000.00) for the use and benefit of Iowa's
 6 returning soldiers, sailors and marines, who are ill and temporarily
 7 being cared for in hospitals in New York City or other port cities, and
 8 for such returning soldiers, sailors and marines who may be dis-
 9 charged on landing in New York City or other coast cities or Chicago,
 10 and who may be temporarily detained in said cities on the way home
 11 and may be in need of assistance, and for the expense of the estab-
 12 lishment of temporary headquarters for such soldiers, sailors and
 13 marines in New York City.

1 SEC. 2. **Commission — appointment by governor.** Immediately
 2 upon the passage and publication of this act it shall be the duty of the
 3 governor to appoint a commission of three persons, including the adju-
 4 tant general of the state who shall act as chairman, who shall dis-
 5 burse and account for the funds by this act appropriated, and who
 6 shall act without any compensation, but with an allowance of actual
 7 expenses. Two members of said commission may be nonresidents of
 8 the state one of whom shall be a resident of New York and one a resi-
 9 dent of Chicago.