

CHAPTER 192
COUNTY HOSPITALS
S. F. 326

AN ACT authorizing counties to establish and provide county hospital facilities; to issue revenue bonds in connection therewith; providing for a board of hospital trustees to operate each such hospital and authorizing the use of county funds and the levy of county taxes to meet any deficiency of available revenues to pay operating and maintenance expenses of such county hospitals.

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

1 SECTION 1. Any county in the State of Iowa having a population
2 less than one hundred fifty thousand (150,000) is hereby authorized
3 and empowered to acquire, construct, equip, operate and maintain a
4 county hospital and, for the purpose of acquiring, constructing, equip-
5 ping, enlarging or improving any such county hospital and acquiring
6 the necessary lands, rights of way and other property necessary there-
7 for, may issue revenue bonds all as in this act provided. All contracts
8 for construction work of such county hospital shall be awarded by the
9 board of supervisors on competitive bidding following such advertise-
10 ment as may be prescribed by such board. The administration and
11 management of any county hospital acquired, constructed, equipped,
12 enlarged or improved under this act shall be vested in a board of
13 hospital trustees consisting of five (5) members appointed by the Board
14 of Supervisors from among the resident citizens of the county with
15 reference to their fitness of* such office, and not more than two (2) of
16 such trustees shall be residents of the same township. Such trustees
17 shall hold office until the next succeeding election, at which time their
18 successors shall be elected, two (2) for a term of two (2) years, two
19 (2) for a term of four (4) years and one (1) for a term of six (6)
20 years, and thereafter their successors shall be elected for regular terms
21 of six (6) years each. Vacancies in the board of trustees shall be filled
22 in the same manner as original appointments to hold office until the
23 next succeeding general election. Said trustees shall, within ten (10)
24 days after their appointment or election qualify by taking the usual
25 oath of office, but no bond shall be required of them. The members of
26 such board of hospital trustees shall receive no compensation but shall
27 be reimbursed for all expenses incurred by them with the approval of
28 said board in the performance of their duties. The board first appointed
29 shall organize promptly following their appointment, and shall serve
30 until such time as their successors are elected and qualified; there-
31 after during the month of November of each year the board shall
32 reorganize by the appointment of a chairman and a secretary. The
33 county treasurer shall be ex officio treasurer of the board of hospital
34 trustees. The board of hospital trustees may employ, fix the com-
35 pensation and remove at pleasure professional, technical and other
36 employees, skilled or unskilled, as it may deem necessary for the
37 operation and maintenance of the hospital, and disbursement of funds
38 in such operation and maintenance shall be made upon order and
39 approval of the board of hospital trustees. A county hospital may
40 include a nurses home and nurses training school. The board of trus-

*According to enrolled act.

41 tees shall make all rules and regulations governing its meetings and
42 the operation of the county hospital and shall fix rates, fees and
43 charges for the services thereby furnished so that the revenues will
44 be at all times sufficient in the aggregate to provide for the payment
45 of the interest on and principal of all bonds that may be issued and
46 outstanding under the provisions of this act, and for the payment of all
47 operating and maintenance expenses of the hospital.

1 SEC. 2. For the purpose of acquiring, constructing, equipping, en-
2 larging or improving such hospital or any part thereof, any such
3 county may, pursuant to resolution of the board of supervisors of such
4 county, from time to time issue and dispose of its negotiable interest-
5 bearing revenue bonds payable solely as to both principal and interest
6 from the revenues to be derived from the operation of such hospital.
7 All such bonds may bear such date or dates, may mature at such time
8 or times not exceeding thirty years from their respective dates, may
9 bear interest at such rate or rates not exceeding five per cent per
10 annum payable semi-annually, may be in such form and payable at
11 such place or places, and may be subject to such redemption privileges
12 as is stated on the face thereof and as may be provided in such resolu-
13 tion. After a resolution authorizing such revenue bonds has been
14 adopted the county auditor shall publish notice of such adoption in at
15 least one newspaper of general circulation in the county at least once
16 each week for two consecutive weeks. Such notice shall identify the
17 resolution by the date of its adoption and shall specify the amount of
18 bonds proposed to be issued, and if within twenty days following the
19 date of the first publication of such notice a petition is filed with the
20 county auditor signed by qualified voters of said county in number
21 equal to or exceeding twenty per cent of the total number of votes cast
22 in such county for governor at the last preceding regular election
23 whereat a governor was elected then the bonds authorized by such
24 resolution shall not be issued unless and until the proposition to issue
25 same shall have been submitted at an election throughout the county
26 and approved by not less than sixty per cent of the votes cast for and
27 against the proposition. When any such petition is filed it shall be
28 referred to the board of supervisors at its next meeting and there-
29 upon the board of supervisors may either repeal the bond resolution
30 or order the election which shall be called and conducted in the manner
31 provided by Chapter 345 of the Code of Iowa, 1946. If there be no
32 petition filed within the time hereinbefore provided or if there be a
33 petition filed and the proposition of issuing such bonds is approved at
34 such election then the board of supervisors may proceed with the
35 acquisition, construction, equipment, operation and maintenance of the
36 county hospital and the issuance of bonds in connection therewith, all
37 as in this act permitted and provided. Under no circumstances shall
38 any bonds issued under the provisions of this act be or become an
39 indebtedness of the county within the purview of any constitutional
40 or statutory limitation or provision, and it shall be plainly stated on
41 the face of each bond that it does not constitute such an indebtedness, but
42 is payable solely from the revenues as aforesaid. All such bonds shall
43 be sold in such manner and upon such terms as is prescribed by the
44 resolution authorizing the issuance thereof, provided, that no bonds
45 shall be sold upon terms that will result in an interest cost computed

46 to maturity of the bonds according to standard tables of bond values
47 of more than five per cent per annum. The resolution authorizing such
48 revenue bonds may contain such covenants as are determined by the
49 board of supervisors to be desirable in connection with the use and
50 application of the bond proceeds, the operation of the county hospital
51 and the custody and application of the revenues from such operation.
52 The sole remedy for any breach or default of the terms of any such
53 bonds or proceedings for their issuance shall be by mandamus in a
54 court of competent jurisdiction to compel performance and compliance
55 therewith.

1 SEC. 3. If in any year, after payment of the accruing interest on
2 and principal due of any revenue bonds issued hereunder from the
3 revenues derived from the operation of such hospital, there be a
4 balance of such revenues insufficient to pay the expenses of operation
5 and maintenance of the county hospital the board of hospital trustees
6 shall certify that fact as soon as ascertained to the board of supervisors
7 of such county, and thereupon it shall be the duty of such board of
8 supervisors to make the amount of such deficiency for paying the
9 expenses of operation and maintenance of the county hospital avail-
10 able from other county funds or, the board of supervisors of such
11 county shall levy a tax not to exceed four (4) mills in any one year
12 on all the taxable property in said county in an amount sufficient for
13 that purpose, it being conditioned that no general county funds or the
14 proceeds of any taxes shall ever be used or applied to the payment of
15 the interest on or principal of any bonds issued under the provisions of
16 this act, but that such general county funds or proceeds of taxes may
17 only be used and applied to pay such expenses of operation and mainte-
18 nance of the county hospital as cannot be paid from available revenue
19 derived from such operation.

1 SEC. 4. This act shall be construed as providing an alternative
2 and independent method for the acquisition, construction, equipment,
3 enlargement, improvement, operation and maintenance of a county
4 hospital, and for the issuance and sale of revenue bonds in connection
5 therewith, and shall not be construed as an amendment of or subject
6 to the provisions of any other law.

1 SEC. 5. The provisions of section three hundred forty-seven point
2 eighteen (347.18), are made applicable to this Act.

1 SEC. 6. This act, being deemed of immediate importance, shall be
2 in full force and effect from and after its publication in the Muscatine
3 Journal and News Tribune, a newspaper published at Muscatine, Iowa,
4 and in the Wilton Advocate, a newspaper published at Wilton Junction,
5 Iowa.

Approved April 22, 1947.

I hereby certify that the foregoing act was published in the Muscatine Journal and
News Tribune, April 25, 1947, and the Wilton Advocate, May 1, 1947.

ROLLO H. BERGESON, *Secretary of State.*