

A BILL

FOR AN ACT TO PROVIDE FOR THE INVESTIGATION OF WATER, GAS, HEAT, LIGHT OR POWER, WORKS OR PLANTS, AND THE OPERATION THEREOF, TO PROVIDE FOR ANNUAL REPORTS WITH REFERENCE TO THE OPERATION THEREOF, AND PRESCRIBING THE PROCEDURE THEREFOR.

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

SECTION 1. That all cities and towns shall have the power to require every individual or
2 private corporation operating any gas, heat, water, light or power, works or plant, under a
3 franchise granted therefor in any such city or town, to file with the city clerk of such city or
4 town, during the month of January each year, a report, showing in detail a description and
5 inventory of all property used in the operation of such works or plant, the estimated cash
6 value thereof, the cost of operation of such works or plant during the preceding year, and
7 the respective items of such cost of operation, the gross income received from the operation
8 of such works or plant, the net income so received, the character and quantity of service ren-
9 dered thereby, the cost of maintenance and the cost of all improvements and extensions con-
10 structed during such preceding year, and in addition thereto, such further information re-
11 lating to the operation of such works or plant as the council of any such city or town shall,
12 by resolution, require, of which resolution any such individual or corporation operating such
13 works or plant shall have due notice in writing at least thirty days prior to the filing of such
14 report.

SEC. 2. Whenever the council of any such city or town shall have determined that any exist-
2 ing regulation of any such works or plant, or any rate or rent fixed or charged for water, gas,
3 heat or electric light or power by any such works or plant, or of or for meters or other devices
4 use by such works or plant shall be revised or fixed anew, such council shall have power,
5 for the purpose of determining what rate or rent shall be fixed or regulation established, to
6 investigate the operation of such works or plant, and to that end they shall have the right
7 to enter upon the premises occupied by such works or plant, to inspect the same and to ex-
8 amine all books, papers and records kept in connection with the operation thereof; and such
9 council shall have the power to examine, under oath, or otherwise, any officer, director, agent
10 or employe of any such individual or private corporation operating any such works or plant,
11 and to issue subpoenas therefor.

SEC. 3. Should any individual or corporation operating any such works or plant refuse
2 to file the report or neglect to set forth any item therein, under the terms and provisions of
3 section 1 hereof and within the time therein required, or, should such individual or corpor-
4 ation operating any such works or plant within any such city or town refuse to permit the
5 investigation provided for under the terms and provisions of section 2 hereof or refuse to
6 permit an examination of the books, papers and records kept in connection with the opera-
7 tion of any such works or plant under investigation, or to disclose fully and to the satisfac-
8 tion of the city or town council with which such works or plant are operated all facts deemed
9 necessary for the exercise of the powers conferred upon cities and towns, relating to the fix-
10 ing of rates and the establishing of regulations for charges for services governing the same
11 within such city or town, shall have the right to file an application in the district court of the
12 county within which such city or town is located or with any judge of such court, its appli-
13 cation, in writing, setting forth such refusal or neglect of any such individual or corporation
14 operating any such works or plant, and asking thereon that there shall be appointed a ref-
15 erree and such court or judge shall thereupon appoint a referee who shall, for the purposes
16 of taking testimony and issuing all necessary process therefor, stand in the place of the court
17 and shall have the same powers, so far as necessary, to discharge his duty.

SEC. 4. Such referee, appointed upon the application of any such city or town, shall have
2 the power to summon and enforce by attachment the attendance of witnesses, to punish them
3 as for a contempt for non-attendance, for refusal, or to testify and administer all necessary
4 oaths, in the investigation of the operation of any such works or plant or any matter per-
5 taining thereto, the investigation of which it is sought, under the application upon which
6 such referee shall have been appointed, to take testimony by commission, to continue such
7 investigation from time to time, as may be necessary, until its completion; to preserve order
8 and punish all violations thereof.

SEC. 5. Such referee shall summon before him such witnesses as shall be required by the
2 city or town filing the application upon which such referee shall have been appointed, and
3 shall cause the production of all books, papers and records kept in connection with the oper-
4 ation of the works or plants under investigation and may, upon application of the individ-
5 ual or corporation operating any such works or plants under investigation, subpoena such
6 witnesses as may be desired by such individual or corporation to testify in such proceeding.

SEC. 6. Such referee, upon completion of such investigation, shall file with the clerk of
2 the district court of such county a complete transcript of all evidence adduced before him
3 and either party to such proceedings shall have the right to have transcribed and filed with
4 the clerk of such district court any part of the evidence so adduced before such referee from
5 time to time during such investigation, which shall be so transcribed and filed within a rea-
6 sonable time after such request is filed in writing with such referee.

SEC. 7. Such referee appointed under the provisions of this act shall have authority to employ a competent shorthand reporter, who, together with such referee, must make affidavit well and faithfully to discharge the duties imposed upon them hereunder, and make a just and true report of all proceedings had in connection therewith, such affidavits so taken by the said referee and the shorthand reporter so appointed, to be returned with the report, filed by the clerk and to be a part of the record. All necessary and reasonable costs incident to such investigation shall be allowed by such district court at its next succeeding term, and shall be taxed equally to such city or town and such individual or corporation operating such works or plant so investigated.