

striking out in the second line of said section the words, "one mill," and inserting in lieu thereof the words, "three mills, and in cities with a population in excess of ten thousand, five mills".

Approved February 23, A. D. 1909.

CHAPTER 44.

SUBMISSION OF CERTAIN QUESTIONS TO VOTERS OF CITIES AND TOWNS.

H. F. 256.

AN ACT to amend sections seven hundred twenty (720), seven hundred twenty-one (721), and seven hundred seventy-six (776) of the supplement to the code, 1907, relating to the purchase of water or gas works, heat plants and electric plants, the granting of franchises and the submission of the question to the voters.

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

SECTION 1. Heating plants—water or gas works—electric plants—question when submitted. That section seven hundred twenty (720) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "general" in the thirteenth line of said section a comma (,) and the word "city".

SEC. 2. Same. That section seven hundred twenty-one (721) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "general" in the third line of said section the words "or city".

SEC. 3. Granting franchise—question when submitted. That section seven hundred seventy-six (776) of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "general" in the fifth line of said section a comma (,) and the word "city", and by inserting after the word "general" in the seventh line of said section the words "or city".

SEC. 4. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 18, A. D. 1909, and in the Des Moines Capital March 19, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 45.

ACQUISITION OF HEATING PLANTS, WATER WORKS AND POWER PLANTS BY CONDEMNATION PROCEEDINGS.

S. F. 380.

AN ACT providing for acquiring by condemnation proceedings by cities and towns of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending section seven hundred twenty-two (722) of the supplement to the code, 1907.

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

SECTION 1. Condemnation authorized. That section seven hundred twenty-two (722) of the supplement to the code, 1907, be amended by adding thereto as follows:

"That when any city or town shall have voted at an election as is provided in sections seven hundred twenty (720) and seven hundred twenty-one (721) of the supplement to the code, 1907, to purchase, establish, erect, maintain, and operate heating plants, waterworks, gas works, or electric light or electric power plants, or when any such city or town shall have voted to contract indebtedness and issue bonds as is provided in sections thirteen hundred and six-b (1306-b), thirteen hundred and six-c (1306-c), thirteen hundred and six-d (1306-d), and thirteen hundred and six-e (1306-e) of the supplement to the code, 1907, for any of the purposes therein enumerated, and in such city or town there shall then exist any such heating plant, water works, gas works, electric light or electric power plants, or incomplete parts thereof or more than one, not publicly owned, and the contract or franchise of the owner of which utility has expired or been surrendered and such owner and city or town cannot agree upon terms of purchase; such city or town may, by resolution, proceed to acquire by condemnation, as hereinafter provided, any one or more of such heating plants, water works, gas works, electric light or electric power plants or incomplete parts thereof and when so acquired may apply the proceeds of the bonds voted or issued in payment therefor and in making extensions and improvements to such works or plants so acquired; but not more than one of such utilities shall be so acquired when any such city or town shall be indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

SEC. 2. Court of condemnation. That upon the passage of the resolution as provided under section 1 hereof and presentation of a certified copy thereof to the supreme court while in session, or to the chief justice of the supreme court, the said court or chief justice shall, within five days thereafter, appoint three district court judges from three judicial districts, of which one shall be from the district wherein such city or town is located, if he be not a resident of such city or town, as a court of condemnation, and shall enter an order requiring said judges to attend as such court of condemnation at the county seat in the county in which said city or town is located, within ten days thereafter, which judges shall so attend as ordered, and a copy of which order and the time and place of the meeting of said court of condemnation shall be served upon the owner or owners of such plants or works in the same manner as the service of original notice. And if such owner be a non-resident, then by service upon the person in charge of such plant or works. Such court of condemnation shall have the power to summon and swear witnesses, take evidence, order the taking of depositions, and require the production of any books and papers, as is provided in chapter 1, title XXIII of the code, and a reporter may be appointed, as is provided for the district court; and such court shall perform all the duties of commissioners in the condemnation of property and such duties and the method of condemnation and procedure, including provisions for appeal, shall, except as is herein otherwise specially provided, be the same, as nearly as may be, as is provided in chapter 4, title X of the code, but the clerk of the district court of the county where such city or town is located shall perform all the duties required of the sheriff in said chapter and, in case of a vacancy in said court of condemnation, such vacancy shall be filled in the same manner in which the original appointment was made and the court may review any evidence of its record made necessary by reason of such vacancy.

SEC. 3. Costs and expenses. The costs of said proceedings shall be the same and paid in the same manner as in proceedings in the district court, and the said district court judges of said court of condemnation shall receive, while engaged in such service, their actual expenses, which expenses shall be taxed as costs in the case."

Approved April 16, A. D. 1909.