

32 one-third thereof shall be paid for by the city either out of the im-  
33 provement fund or general fund of the city.

34 All repairs or maintenance between and one (1) foot outside the  
35 rails made necessary by the operation of the street railway and any  
36 other repairs or maintenance made necessary by the operation of the  
37 street railway shall be made by the street railway company and if  
38 not so made, the city shall have the power to make such repairs and  
39 assess the cost thereof to such company. All construction assess-  
40 ments herein provided for shall be made in the manner provided for  
41 the assessment of such costs against abutting property and the owner  
42 thereof.

1 SEC. 2. The word "paving" as used in the preceding section shall  
2 include any kind of hard surfacing, gravel or macadamizing together  
3 with the necessary paving base.

1 SEC. 3. Section six thousand fifty-two (6052), code, 1927, is  
2 amended by striking from line two (2) the words "and street rail-  
3 way"; and by striking from lines nine (9) and twelve (12) the words  
4 "or street railway". Section six thousand fifty-four (6054), code,  
5 1927, is amended by striking the words "or street railway" wherever  
6 they appear.

1 SEC. 4. Sections six thousand fifty-seven (6057) and six thousand  
2 fifty-eight (6058) of the code, 1927, are hereby repealed.

1 SEC. 5. The provisions of the act shall apply to cities acting under  
2 special charter.

1 SEC. 6. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 the Howard County Times, a newspaper published at Cresco, Iowa,  
4 and the Daily American Tribune, a newspaper published at Dubuque,  
5 Iowa.

Senate File No. 311. Approved April 16, A. D. 1929.

I hereby certify that the foregoing act was published in the Howard County Times  
April 24, 1929, and the Dubuque Daily American Tribune April 20, 1929.

ED. M. SMITH, *Secretary of State.*

## CHAPTER 183

### CITIES AND TOWNS. UTILITIES

AN ACT to amend sections sixty-one hundred fifty-one-b one (6151-b1) to sixty-one  
hundred fifty-one-b three (6151-b3), inclusive, code, 1927, relating to the use of  
surplus earnings of certain municipality owned public utilities.

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

1 SECTION 1. Sections sixty-one hundred fifty-one-b one (6151-b1)  
2 and sixty-one hundred fifty-one-b two (6151-b2), code, 1927, are  
3 amended by inserting immediately after section sixty-one hundred  
4 fifty-one-b two (6151-b2) the following section, to wit:  
5 "6151-c1. **Exceptions.** In all cities having a population of five

6 thousand (5000) or less and in all towns, the transfer of funds as  
 7 provided in the two (2) preceding sections may be made without the  
 8 approval of the budget director, on condition the amount transferred  
 9 in any one fiscal year does not exceed fifty per centum (50%) of the  
 10 surplus in that fund at the beginning of that fiscal year, if the trans-  
 11 fer is made upon the three-fourths ( $\frac{3}{4}$ ) vote of all the members of  
 12 the council of such city or town."

1 SEC. 2. Section sixty-one hundred fifty-one-b three (6151-b3),  
 2 code, 1927, is amended by striking from line one (1) the word "two"  
 3 and by inserting in lieu thereof the word "three".

House File No. 37. Approved April 4, A. D. 1929.

## CHAPTER 184

### CITIES AND TOWNS. WATER WORKS

AN ACT to amend sections sixty-one hundred sixty-one (6161) and sixty-seven hundred eighty-seven (6787) of the code, 1927, concerning the purchase, acquisition and maintenance of water works by certain cities and making the same applicable to cities now or hereafter having a population of fifty thousand (50,000) inhabitants or over, including cities acting under special charter.

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

1 SECTION 1. That section sixty-one hundred sixty-one (6161) of  
 2 the code, 1927, be and the same is hereby amended by striking from  
 3 lines two and three (2 and 3) thereof the words "one hundred thou-  
 4 sand (100,000)" and substituting in lieu thereof the words "fifty thou-  
 5 sand (50,000)".

1 SEC. 2. That section sixty-seven hundred eighty-seven (6787) of  
 2 the code, 1927, be amended by striking from line one (1) thereof the  
 3 words and figures "chapter 313 is" and by inserting in lieu thereof  
 4 the words and figures "chapters 313 and 314 are".

1 SEC. 3. This act being deemed of immediate importance, it shall  
 2 be in full force and effect from and after its publication in the Daven-  
 3 port Daily Times and in the Davenport Democrat, newspapers pub-  
 4 lished in the city of Davenport, Scott county, Iowa, without expense  
 5 to the state.

House File No. 77. Approved February 12, A. D. 1929.

I hereby certify that the foregoing act was published in the Davenport Daily Times February 14, 1929, and the Davenport Democrat February 14, 1929.

ED. M. SMITH, *Secretary of State.*