

## CHAPTER 201

## COUNTY HOSPITALS

S. F. 355

AN ACT relating to the tax levy for county hospitals in counties having a population of two hundred twenty-five thousand or more.

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

1 SECTION 1. Section three hundred forty-seven point seven (347.7),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:  
 3 If the hospital be established, the board of supervisors, at the time  
 4 of levying ordinary taxes, shall levy a tax at the rate voted not to  
 5 exceed two mills in any one year for the erection and equipment  
 6 thereof, and also a tax not to exceed one mill for the improvement,  
 7 maintenance, and replacements of the hospital, as certified by the  
 8 board of hospital trustees; provided, however, in counties having a  
 9 population of two hundred twenty-five thousand inhabitants or over,  
 10 the levy for improvements and maintenance of the hospital shall not  
 11 exceed [four and one-half] *five* mills in any one year. The proceeds  
 12 of such taxes shall constitute the county public hospital fund and such  
 13 fund shall be subject to review by the board of supervisors in counties  
 14 over two hundred twenty-five thousand. Provided, however, that the  
 15 board of trustees of a county hospital of said county, where funds are  
 16 available in the county public hospital fund of said county which are  
 17 unappropriated, may use such unappropriated funds for erecting and  
 18 equipping hospital buildings and additions thereto without authority  
 19 from the voters of said county.

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 202

## COUNTY PUBLIC HOSPITALS

H. F. 466

AN ACT to authorize counties operating county public hospitals to issue revenue bonds.

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

1 SECTION 1. Chapter three hundred forty-seven (347), Code  
 2 1971, is amended by adding the following new section:  
 3 "Any county having theretofore established a county public hos-  
 4 pital being operated under the provisions of this chapter may equip,  
 5 enlarge, and improve the county public hospital and acquire the  
 6 necessary lands, rights-of-way, and other property. For the pur-  
 7 pose of equipping, enlarging, and improving any such county pub-  
 8 lic hospital, including the acquisition of the necessary lands, rights-  
 9 of-way, and other property, any county may, pursuant to resolution  
 10 of the board of supervisors of the county and after it has been deter-  
 11 mined by the board of hospital trustees to be advisable, from time  
 12 to time issue and dispose of its negotiable interest-bearing revenue

13 bonds, payable solely as to both principal and interest from the rev-  
14 enues derived from the operation of the county public hospital. All  
15 such bonds may bear such date or dates, may mature at such time  
16 or times not exceeding thirty years from their respective dates, may  
17 bear interest at such rate or rates not exceeding seven per cent per  
18 annum payable semiannually, may be in such form and payable at  
19 such place or places, and may be subject to such redemption priv-  
20 ileges as are stated on the face thereof and as may be provided in  
21 the resolution.

22 After a resolution authorizing the revenue bonds has been adopted,  
23 the county auditor shall publish notice of the adoption in at least one  
24 newspaper of general circulation in the county at least once each  
25 week for two consecutive weeks. The notice shall identify the reso-  
26 lution by the date of its adoption and shall specify the amount of  
27 bonds proposed to be issued. If within thirty days following the  
28 date of the first publication of the notice a petition is filed with the  
29 county auditor signed by qualified voters of the county in a number  
30 equal to or exceeding twenty percent of the total number of votes  
31 cast in the county for governor at the last preceding regular elec-  
32 tion at which a governor was elected, then the bonds authorized by  
33 the resolution shall not be issued until the proposition to issue the  
34 bonds is submitted at an election throughout the county and ap-  
35 proved by not less than sixty percent of the votes cast for and  
36 against the proposition. When any petition is filed, it shall be re-  
37 ferred to the board of supervisors at its next meeting. The board  
38 of supervisors may either repeal the bond resolution or order the  
39 election which shall be called and conducted in the manner provided  
40 by chapter three hundred forty-five (345) of the Code. If no peti-  
41 tion is filed within the time provided or if a petition is filed and the  
42 proposition of issuing the bonds is approved at the election, then  
43 the board of supervisors may proceed with the equipment, enlarge-  
44 ment and improvement of the county public hospital and the acqui-  
45 sition of the necessary lands, rights-of-way, and other property and  
46 the issuance of revenue bonds, as provided in this section.

47 Under no circumstances shall any revenue bonds issued under the  
48 provisions of this section be or become an indebtedness of the  
49 county within the purview of any constitutional or statutory limita-  
50 tion or provision. It shall be plainly stated on the face of each bond  
51 that it does not constitute such an indebtedness, but is payable solely  
52 from revenues derived from the operation of the county hospital.  
53 All the bonds shall be sold in a manner and upon terms prescribed  
54 by the resolution authorizing the issuance of the bonds, however no  
55 bonds shall be sold upon terms that will result in an interest cost  
56 computed to maturity of the bonds according to standard tables of  
57 bond values of more than seven percent per annum. The resolution  
58 authorizing the revenue bonds may contain any covenants deter-  
59 mined by the board of supervisors to be desirable in connection with  
60 the use and application of the bond proceeds, the operation of the  
61 county public hospital, and the custody and application of the reve-  
62 nues from this operation. The sole remedy for any breach or de-  
63 fault of the terms of any bonds or proceedings for their issuance  
64 shall be by mandamus in a court of competent jurisdiction to compel  
65 performance and compliance therewith.

66 The board of hospital trustees shall fix rates, fees, and charges for

67 the services furnished by the county public hospital so that the reve-  
68 nues of the county public hospital will be at all times sufficient to  
69 provide for the payment of the interest on and principal of all reve-  
70 nue bonds issued and outstanding under the provisions of this sec-  
71 tion, and for the payment of all operating and maintenance expenses  
72 of the county public hospital. If in any year, after payment of the  
73 accruing interest on and principal due of any revenue bonds issued  
74 hereunder from the revenues derived from the operation of such  
75 hospital, there be a balance of such revenues insufficient to pay the  
76 expenses of operation and maintenance of the county public hospital  
77 the board of hospital trustees shall certify that fact as soon as as-  
78 certained to the board of supervisors of such county, and thereupon  
79 it shall be the duty of such board of supervisors to make the amount  
80 of such deficiency for paying the expenses of operation and mainte-  
81 nance of the county public hospital available from other county  
82 funds or, the board of supervisors of such county shall levy a tax  
83 not to exceed one mill in counties having a population of less than  
84 two hundred twenty-five thousand inhabitants, or four and one-half  
85 mills in counties having a population of two hundred twenty-five  
86 thousand inhabitants or over, in any one year on all the taxable  
87 property in said county in an amount sufficient for that purpose, it  
88 being conditioned that no general county funds or the proceeds of  
89 any taxes shall ever be used or applied to the payment of the inter-  
90 est on or principal of any revenue bonds issued under the provi-  
91 sions of this section, but that such general county funds or pro-  
92 ceeds of taxes may only be used and applied to pay such expenses  
93 of operation and maintenance of the county public hospital as can-  
94 not be paid from available revenues derived from such operation.

95 All contracts for construction work to be paid for in whole or in  
96 part through the issuance of revenue bonds under the provisions  
97 of this section shall be awarded by the board of supervisors on com-  
98 petitive bidding following such advertisement as may be prescribed  
99 by such board.

100 This section is an alternative and independent method for the  
101 equipment, enlargement, and improvement of a county public hos-  
102 pital, and for the issuance and sale of revenue bonds and shall not  
103 be construed as limiting or superseding any other method of equip-  
104 ping, enlarging, or improving a county public hospital."

1 SEC. 2. Section three hundred forty-seven point seven (347.7),  
2 unnumbered paragraph two (2), Code 1971, is amended as follows:

3 No levy shall be made for the improvement, maintenance, or re-  
4 placements of the hospital until the hospital has been constructed,  
5 staffed, and receiving patients. *Whenever revenue bonds are issued*  
6 *and outstanding under the provisions of section 1 of this Act, the*  
7 *authority contained in section 1 of this Act to levy the tax to pay*  
8 *operating and maintenance expenses, when and as therein provided,*  
9 *shall be in lieu of and not in addition to the authority contained in*  
10 *this section to levy the tax of not to exceed one mill for the improve-*  
11 *ment, maintenance and replacements of the hospital and of not to*  
12 *exceed four and one-half mills for improvements and maintenance*  
13 *of the hospital in counties having a population of two hundred*  
14 *twenty-five thousand inhabitants or over.*

1 SEC. 3. Section three hundred forty-seven point thirteen (347.13),  
 2 subsection nine (9), Code 1971, is amended by inserting in line  
 3 six (6) after the word "year" the following: ", subject to the provi-  
 4 sions of Section 1 of this Act."

1 SEC. 4. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the  
 3 Algona Kossuth County Advance, a newspaper published in Algona,  
 4 Iowa, and in The Spirit Lake Beacon, a newspaper published in  
 5 Spirit Lake, Iowa.

Approved June 30, 1971.

I hereby certify that the foregoing Act, House File 466, was published in the Algona Kossuth County Advance, Algona, Iowa, July 12, 1971 and in The Spirit Lake Beacon, Spirit Lake, Iowa, July 15, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 203

### COUNTY JAIL PRISONERS

H. F. 420

AN ACT relating to reduction of sentence for prisoners held in county jails.

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

1 SECTION 1. Chapter three hundred fifty-six (356), Code 1971,  
 2 is amended by adding the following new section:

3 "Every prisoner in the county jail may, upon the recommendation  
 4 of the sheriff, and at the discretion of the sentencing judge, receive a  
 5 reduction of his sentence of not more than twenty percent if:

6 1. No infraction of the rules of discipline of the county jail or of  
 7 the laws of the state has been recorded against him since the begin-  
 8 ning of his incarceration; and

9 2. He has performed in a faithful manner the duties assigned to  
 10 him."

1 SEC. 2. Chapter three hundred fifty-six (356), Code 1971, is fur-  
 2 ther amended by adding the following new section thereto:

3 A judge who sentences a person to the county jail or other deten-  
 4 tion facility pursuant to this chapter, may suspend any part of such  
 5 sentence and place such person on probation, upon such terms and  
 6 conditions as the sentencing judge may direct, after such person has  
 7 served that part of his sentence which was not suspended.

Approved May 24, 1971.